



**SUBJECT: Official Plan and Zoning By-law amendments for 1120  
Cooke Blvd**

**TO: Committee of the Whole**

**FROM: Community Planning Department**

Report Number: PL-04-24

Wards Affected: 1

File Numbers: 505-01/22, 520-01/22

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

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**Recommendation:**

Approve the applications submitted by WND Associates Ltd., on behalf of Adi Development Group, to amend the Official Plan and Zoning By-law to permit a mixed-use development comprising three tall buildings with maximum heights of 34, 32, and 30 storeys; and

Approve Official Plan Amendment No. 142 to the City of Burlington Official Plan, as provided in Appendix B of community planning department report PL-04-24, to introduce new site-specific policies for the subject lands; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 142 as contained in Appendix B of community planning department report PL-04-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (505-01/22); and

Approve Zoning By-law 2020.472, attached as Appendix C of community planning department report PL-04-24, to rezone the lands located at 1120 Cooke Boulevard from "MXC-26" (Mixed-Use Corridor – Commercial with site-specific exception 26) to "H-MXC-531" (Mixed-Use Corridor – Commercial with a Holding "H" prefix and site-specific exception 531); and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 142 is adopted; and

Deem that the lands described as 1120 Cooke Boulevard are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

**PURPOSE:**

The purpose of this report is to describe staff’s review of the subject applications and to recommend approval of the requested Official Plan Amendment and Zoning By-law Amendment contained in the appendices of this report.

**Vision to Focus Alignment:**

The recommendation of this report supports the following elements of Vision to Focus:

- Designing and delivering complete communities

**Executive Summary:**

<b>RECOMMENDATION:</b>		Approve OPA and ZBA	<b>Ward:</b>	1
<b>Application Details</b>	<b>APPLICANT:</b>	WND Associates Ltd.		
	<b>OWNER:</b>	Adi Development Group		
	<b>FILE NUMBERS:</b>	505-01/22, 520-01/22		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment, Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	Mixed-use development consisting of residential and retail uses within three tall buildings of maximum 34, 32, and 30 storeys.		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	North side of Masonry Court between Waterdown Road and Cooke Blvd		
	<b>MUNICIPAL ADDRESS:</b>	1120 Cooke Blvd		
	<b>PROPERTY AREA:</b>	0.95 hectares		

	<b>EXISTING USE:</b>	Temporary sales centre for “Stationwest” Phase One development
<b>Documents</b>	<b>1997 OFFICIAL PLAN Existing:</b>	Mixed-Use Corridor – Commercial
	<b>1997 OFFICIAL PLAN Proposed:</b>	Mixed-Use Corridor – Commercial, with site-specific policy
	<b>2020 OFFICIAL PLAN Existing:</b>	Urban Corridor
	<b>ZONING Existing:</b>	MXC-26 (Mixed Use Corridor – Commercial, with site-specific exception)
	<b>ZONING Proposed:</b>	H-MXC-531 (Mixed Use Corridor – Commercial, with new site-specific exception 531 and an ‘H’ Holding symbol)
<b>Processing Details</b>	<b>APPLICATION MADE AND COMPLETE AS OF:</b>	March 1, 2022
	<b>STATUTORY DEADLINE:</b>	June 29, 2022
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	September 29, 2020
	<b>STATUTORY PUBLIC MEETING:</b>	June 14, 2022
	<b>PUBLIC COMMENTS:</b>	As of February 14, 2024, the Community Planning Department has received written comments via email from four residents. The City also received written correspondence from three residents at the Statutory Public Meeting.

## Background and Discussion:

### 1.1 Application History

On March 1, 2022, the City received a complete application from WND Associates Ltd. on behalf of Adi Development Group requesting Official Plan Amendment and Zoning By-law Amendments to permit a proposed mixed-use development comprising residential and retail uses within three tall buildings at 1120 Cooke Blvd.

A Statutory Public Meeting was held at the June 14, 2022 meeting of Community Planning, Regulation, and Mobility Committee. At this meeting, Committee considered

staff report [PL-48-22](#) and received delegations and correspondence from the applicant and members of the public. Committee then approved the report recommendation to “Direct staff to continue to process the submitted applications for Official Plan Amendment and Zoning By-law Amendment for 1120 Cooke Boulevard, including evaluating and incorporating any/all comments received by the committee and the public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.”

The applicant submitted revised application materials in March 2023 to address comments that had been provided by the public and technical agencies through the review of the original application. These materials were posted on the City’s website at [www.burlington.ca/1120cooke](http://www.burlington.ca/1120cooke).

The applicant made a third submission in August 2023 consisting of revised materials to address outstanding technical issues that had been raised through the technical review of the second submission.

Staff have completed their review of the submitted materials and are recommending approval of the subject applications for Official Plan Amendment and Zoning By-law Amendment.

## **1.2 Description of Subject Property and Surrounding Land Uses**

The subject property is located on the north side of Masonry Court between Waterdown Road and Cooke Blvd, as shown in Appendix A of this report. The property has an area of 0.95 hectares, with approximately 100 metres of frontage on Waterdown Road, 91 metres of frontage on Masonry Court, and 90 metres of frontage on Cooke Blvd. Due to a grade change, the subject property is located at a lower elevation than the traveled portion of Waterdown Road (approximately 5 metres lower at the northwest corner of the site). The site is currently occupied by a temporary sales centre for the adjacent development to the east (Phase 1 of “Stationwest” development) and is otherwise vacant (the proposed development on the subject property is Phase 2 of the Stationwest development). Historic use of the property included a concrete brick manufacturing facility prior to 2011.

Surrounding uses are as follows:

- North: A floodplain storage area is located to the immediate north; this feature is within the regulated area of Conservation Halton. Immediately east of the floodplain storage area, at the northern terminus of Cooke Blvd, is an undeveloped park block. Further north, beyond the stormwater management infrastructure, is a CNR railway corridor.

Highway 403 and the Waterdown Road-Highway 403 interchange are located north of the rail corridor.

- East: to the east, across Cooke Blvd, is Phase 1 of the Stationwest development, comprising two 6-storey mid-rise residential apartment buildings with frontage on Masonry Court and low-rise townhouse buildings on condominium streets north of the mid-rise buildings.  
At the southeast corner of Masonry Court and Clearview Ave is a church property that has zoning approval for a seven-storey mid-rise apartment building.  
A low-rise, low-density, detached residential neighbourhood is located south of Masonry Court, to the south and east of the Stationwest development. The Aldershot GO Station is located 300 metres to the east of the subject property along Masonry Court. This train station is served by GO Transit's Lakeshore West line and by VIA Rail. Additionally, this GO station includes a bus loop on the north side of the train tracks that is served by Burlington Transit Routes 4 & 87 and Hamilton Street Railway bus route 18, which provides connections to the Waterdown community in the City of Hamilton.
- South: to the south, across Masonry Court, are employment uses in the form of multiple one-storey manufacturing buildings with office components. Further south, on the east side of Waterdown Road are existing low-rise, low-density detached dwellings.  
At the intersection of Waterdown Road and Masonry Court are bus stops served by Burlington Transit route 4.  
340 metres to the south on Plains Road there are bus stops served by Burlington Transit route 1, which provides connections to downtown Hamilton.
- West: to the west, across Waterdown Road, are industrial uses including a concrete and aggregate facility.  
Burlington Fire Station 3 is located on the west side of Waterdown Road, south of the industrial uses.

The subject property is located within the "Aldershot Corners" Major Transit Station Area (MTSA), as defined by Halton Region's Official Plan, which is currently the subject of an ongoing Area-Specific Planning study by the City of Burlington.

### **1.3 Description of Applications**

The applications propose to amend the Official Plan and Zoning By-law to permit a mixed-use development comprising three tall buildings with retail uses at ground level and residential uses above.

In the original proposal (2022): Building A (northwest corner of site) was 36 storeys tall including a 4-storey podium. Building B (southeast) was 26 storeys tall. Building C

(southwest) was 36 storeys tall. Buildings B and C shared a three-storey podium. The proposed buildings contained a total of 1,139 residential units and 231m<sup>2</sup> of ground-level retail at the corner of Masonry Court and Cooke Blvd. 1,031 parking spaces were proposed within five levels of underground parking.

In the revised proposal (2023): Building A (northwest) is 33 storeys tall including a 12-storey podium. Building B (southeast) is 29 storeys including a six-storey podium that steps down to three storeys on the north side. Building C (southwest) is 31 storeys including a six-storey podium. The buildings are no longer connected to each other, and a plaza has been introduced at the ground level between Buildings B and C. The total number of residential units has increased from 1,139 to 1,165. The total amount of retail floor area has increased from 231m<sup>2</sup> to 495m<sup>2</sup>. The total number of parking spaces has increased from 1,031 to 1,145 spaces within 6 underground parking levels.

The applications propose to develop the site in three phases, beginning with the southeast building, then southwest, then northwest.

The changes in the development proposal from the original submission to the revised submissions are summarized in the Table 1 below.

**Table 1: Summary of Changes from Original Proposal to Revised Proposal, and Recommended Zoning**

	<b>Original proposal</b>	<b>Revised proposal</b>	<b>Recommended Zoning*</b>
Residential dwelling units	1139 units	1165 units	Maximum 1165 units
Non-residential floor area (e.g.: retail, service commercial)	231 m <sup>2</sup>	495 m <sup>2</sup>	Minimum 475 m <sup>2</sup>
Floor Area Ratio	7.9:1	9.0:1	Maximum 9.1:1
Building Height <ul style="list-style-type: none"> <li>• Building A</li> <li>• Building B</li> <li>• Building C</li> </ul>	<ul style="list-style-type: none"> <li>• 36 storeys and 119 m</li> <li>• 26 storeys and 89 m</li> <li>• 36 storeys and 119 m</li> </ul>	<ul style="list-style-type: none"> <li>• 33 storeys and 109 m</li> <li>• 29 storeys and 97 m</li> <li>• 31 storeys and 103 m</li> </ul>	Maximums: <ul style="list-style-type: none"> <li>• 34 storeys and 112 m</li> <li>• 30 storeys and 100 m</li> <li>• 32 storeys and 106 m</li> </ul>
Parking	0.9 spaces per unit	0.97 spaces per unit (0.89 occupants spaces per unit)	Minimum 0.97 spaces per unit (0.89 occupant spaces per unit)

		0.08 visitor spaces per unit)	0.08 visitor spaces per unit)
Bicycle parking	0.45 long-term spaces per unit 0.049 short-term spaces per unit	0.5 long-term spaces per unit 0.05 short-term spaces per unit	Minimum 0.5 long-term spaces per unit, 0.05 short-term spaces per unit
Amenity area	18.5m <sup>2</sup> per unit	15.6 m <sup>2</sup> per unit	Minimum 15m <sup>2</sup> per unit

Footnote to Table 1: \*The Zoning By-law Amendment being recommended by this report has been written to incorporate appropriate flexibility for potential changes in the detailed design as the project advances through a future Site Plan application. This approach is discussed in more detail in section 2.7 of this report. The intent of Table 1 is to summarize how the proposed development has been revised from the original submission to the revised submission; information about Zoning recommendations is provided to avoid confusion about what is shown on the current plans (Revised proposal) and what staff are recommending as suitable minimum/maximum parameters for the development (Recommended Zoning).

#### 1.4 Supporting Documents

The original application materials are listed in report PL-48-22 and are posted on the City's website at [www.burlington.ca/1120cooke](http://www.burlington.ca/1120cooke).

The applicant's second submission consists of the following revised application materials submitted to the City in March 2023:

1. Arborist Report (February 8, 2023)
2. Architectural Plans (February 8, 2023)
3. Civil Engineering Drawings (February 17, 2023)
4. Comment Matrix (March 5, 2023)
5. Cover Letter (March 3, 2023)
6. Draft Official Plan Amendment (March 3, 2023)
7. Draft Zoning By-law Amendment (March 3, 2023)
8. Environmental Noise Report (February 23, 2023)
9. Fiscal Impact Study (March 3, 2023)
10. Functional Servicing and Stormwater Management Report (February 16, 2023)
11. Land Use Compatibility and Air Quality Response Letter (February 16, 2023)
12. Landscape Plans (February 10, 2023)
13. Pedestrian Wind Study (February 28, 2023)
14. Shadow Study (March 3, 2023)
15. Shoring and Excavation Plan (February 17, 2023)

16. Transportation Impact Study (March 3, 2023)
17. Urban Design Brief (February 17, 2023)
18. Waste Management Planning Review (February 15, 2023)

The applicant's third submission consists of the following revised application materials submitted to the City in August 2023:

1. Pedestrian Wind Comfort: Wind Control Measure Recommendations (May 17, 2023)
2. Architectural Plans (July 10, 2023)
3. Cross-Section Plans (June 16, 2023)
4. Details Plan (June 16, 2023)
5. Draft Official Plan Amendment (August 3, 2023)
6. Draft Zoning By-law Amendment
7. External Drainage Technical Memo (June 30, 2023)
8. Fiscal Impact Study Response Letter (July 27, 2023)
9. Loading Space Letter (June 16, 2023)
10. Notes Plan (June 16, 2023)
11. Construction and Erosion Control Plans (June 16, 2023)
12. Planning Rationale Addendum (July 2023)
13. Response to Air Quality Peer Review (June 20, 2023)
14. Response to Environmental Noise Peer Review (June 26, 2023)
15. Site Grading Plan (June 30, 2023)
16. Traffic Impact Study (July 20, 2023)
17. Vehicle Maneuvering Diagram (May 19, 2023)
18. Sanitary Drainage Technical Update Memo (July 21, 2023)

In addition to the above, the applicant provided further supplemental submissions in late 2023 and early 2024 to address the remaining technical issues raised by technical reviewers, including:

1. Phase 1 Environmental Site Assessment Update (June 20, 2023)
2. Phase 2 Environmental Site Assessment Update (June 20, 2023)
3. Draft Functional Design for Waterdown Road and Masonry Court (October 20, 2023)
4. Iterative responses to technical comments on Land Use Compatibility (Air Quality) analysis:
  - a. December 2023
  - b. January 2024
  - c. February 2024

All of the above application materials have been reviewed by relevant technical staff at the City and/or external agencies.



## **Strategy/process/risk**

### **2.1 Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review in accordance with the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington Official Plan, 2020 (2020), and City of Burlington Zoning By-law 2020, as summarized below.

### **2.2 Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe**

The proposed Official Plan Amendment and Zoning By-law Amendment must be consistent with the Provincial Policy Statement (PPS) (2020) and must conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2020).

The PPS came into force and effect on May 1, 2020, and applies to decisions concerning planning matters occurring after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. All planning decisions in Burlington must conform to the Growth Plan.

#### **2.2.1 Growth Management**

The PPS promotes the integration of land use planning, growth management, transit-supportive development, and intensification to optimize transit investments, minimize land consumption, and contribute to the creation of complete communities (PPS 1.1.1).

The PPS directs growth to be focused in settlement areas where land use patterns shall be based on densities and a mix of uses that efficiently use land and resources and are

appropriate for and efficiently use the planned and available infrastructure. (PPS 1.1.3). Planning authorities are required to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account the availability of suitable existing or planned infrastructure and public service facilities (PPS 1.1.3.3).

The PPS promotes the application of development standards that facilitate intensification and compact form while avoiding or mitigating risks to public health and safety (1.1.3.4).

The Growth Plan provides more specific direction on growth management, directing growth to be focused in strategic growth areas and locations with existing or planned transit, with a priority on higher-order transit (Growth Plan 2.2.1.2). Municipalities are to establish a hierarchy of growth areas where development will support the achievement of complete communities that improve social equity and quality of life, provide a diverse range and mix of housing options, support active transportation and access to transportation options, contribute to environmental sustainability, and provide for a more compact built form and vibrant public realm (Growth Plan 2.2.1.4). Within Major Transit Station Areas, development must achieve transit-supportive densities and is to be supported by providing alternative development standards such as reduced parking standards (Growth Plan 2.2.4).

**Staff Opinion:** The proposed development is appropriately located within a Major Transit Station Area in close proximity to existing and planned higher-order transit. It provides a mix of housing and non-residential land uses at a transit-supportive density within a compact built form. The available infrastructure can accommodate the proposed development, subject to the provision of infrastructure improvements that align with current infrastructure planning for the area. Development standards have been applied to the design of the development to avoid or mitigate risks to public health and safety, to support active transportation, and to support a vibrant public realm. Development standards will continue to be applied to the detailed design of the development through a future Site Plan application. In this regard, the proposed development is consistent with the PPS and conforms to the Growth Plan.

### **2.2.2 Land Use Compatibility**

The PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate, any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures (PPS 1.2.6.1).

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated (PPS 1.2.6.2).

The Growth Plan also requires development of sensitive land uses to minimize and mitigate adverse impacts on surrounding industrial, manufacturing, or other uses that are vulnerable to encroachment, where avoidance of such impacts is not possible (Growth Plan 2.2.5.8).

The subject property is located in proximity to major facilities including the CN rail yard to the north and various industrial uses in the surrounding area. The proposed development provides new housing, which is a sensitive use, along with ground-level non-residential uses to support the achievement of a complete community. The proximity of the proposed sensitive uses to the existing major facilities means that avoidance of some impacts is not possible and therefore any impacts must be minimized and mitigated.

The development of new housing supply in Burlington is recognized as needed in provincial, regional, and city policies. The provincial policy direction is for new growth to be focused in settlement areas with a particular emphasis on strategic growth areas, including Major Transit Station Areas (MTSAs), in close proximity to higher-order transit. The City has undertaken an Area-Specific Planning process for the Aldershot MTSA, which has included the completion of an area-wide Land Use Compatibility Study. The Area-Specific Planning work has outlined a vision for the area to transition to a more urban, mixed-use character with fewer industrial uses over time. Existing and currently permitted industrial uses may continue, and the CN rail yard will remain, and so land use compatibility will need to be achieved in future development of sensitive uses, in accordance with area-specific policies and implementing the Community Planning Permit By-law that is currently being developed by the City.

The proposed development is distinct from the existing residential uses located immediately to the east because it requests a Zoning By-law Amendment to increase the maximum building height, whereas the existing development to the east was developed within existing height permissions. If approved, the proposed height increase would allow the creation of elevated receptor points for noise and air quality impacts. It is therefore necessary to understand the impacts on these elevated receptor points which may experience different impacts than receptor points in the existing shorter buildings.

The applicant provided technical studies demonstrating the feasibility of achieving land use compatibility for their proposed development through minimization and mitigation of noise impacts and air quality impacts, including with consideration for proposed new

elevated receptor points. These studies have been reviewed by staff at the City, Halton Region, CN Rail, Metrolinx, and external peer reviewers retained by the Region and CN. Both CN Rail and Metrolinx have indicated their intent to enter into development agreements with the property owner for the proposed development.

**Staff Opinion:** Staff are satisfied that the proposed development provides needed housing and is appropriately located in the Aldershot Major Transit Station Area in close proximity to existing and planned transit. Staff are of the opinion that the proposed development of sensitive uses is compatible with surrounding major facilities, subject to the implementation of mitigation measures that will be designed in greater detail through a future Site Plan application.

#### 2.2.2.1 Mitigation of Noise Impacts

Where avoidance of potential adverse noise impacts is not possible, these impacts must be minimized and mitigated in accordance with provincial and municipal standards, guidelines, and procedures.

NPC-300 is the “Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning” published by the provincial Ministry of the Environment, Conservation and Parks. Staff rely on NPC-300 when reviewing environmental noise matters for development applications.

NPC-300 includes provisions for classifying areas based on their acoustical environment (Class 1-4 areas). Each class of area is subject to standards such as sound level limits appropriate to the area’s context. NPC-300 enables planning authorities to classify an area or property as Class 4 in the exercise of their responsibilities under the Planning Act. Properties in Burlington have been classified as Class 4 in the past through decisions of the Ontario Land Tribunal (OLT) or through approvals by staff under delegated authority.

Through the Area-Specific Planning work for the Aldershot MTSA, the City completed a Land Use Compatibility Study, which recommended that the City formalize procedures for assessing Class 4 applications. This direction has been incorporated in the MTSA draft Official Plan Amendment 2 (OPA2). The City will also be developing a set of guidelines and/or policies that will be applicable City-wide and will be supported by best practices to guide the use and application of a Class 4 classification.

Staff have reviewed the subject application, including the submitted Environmental Noise Study, in accordance with the currently applicable policy framework. Based on this review, staff recommend that the subject property be classified as Class 4 to facilitate the proposed development. Crucially, this classification allows noise control measures to be implemented at the noise receptor (e.g.: at the plane of apartment windows) rather than at the source (e.g.: at the rail yard or industrial facility). Staff’s

recommendation to classify the subject property as Class 4 is integral to staff's recommendation to approve the proposed development.

Each site is assessed individually; however, for reference, staff note that the existing residential development to the immediate east of the subject property (Phase 1 of Masonry Court development) was also classified as Class 4 through the delegated approval of its Site Plan application.

### **2.2.3 Housing**

The PPS requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents. Municipalities must permit and facilitate transit-supportive residential intensification and promote densities for new housing that efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit. Such intensification must be directed to locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (PPS 1.4.3).

The Growth Plan requires municipalities to support housing choice and sets minimum intensification and density targets for specific areas. The Growth Plan also requires multi-unit residential developments to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (Growth Plan 2.2.6).

The proposed development provides 1165 new dwelling units, comprising a mix of 6 bachelor units (0.5%), 312 one-bedroom units (26.8%), 459 one-bedroom-plus-den units (39.4%), 337 two-bedroom units (28.9%), and 51 two-bedroom-plus-den units (4.4%). Multi-bedroom units make up a combined 33.3% of units in the proposed development. Housing tenure of the proposed development (condo or rental) will be determined in future at the detailed design stage and may vary from one building to the next.

**Staff Opinion:** The proposed development is consistent with the PPS and conforms to the Growth Plan as it provides new housing supply in a range of unit sizes in an MTSA with transit-supportive densities that make efficient use of resources and support active transportation.

### **2.2.4 Water and Wastewater Servicing and Stormwater Management**

The PPS promotes development in settlement areas that makes efficient use of existing municipal sewage services and municipal water services (PPS 1.6.6). The PPS requires stormwater management to be integrated with sewage and water service planning, to minimize or prevent increases in contaminant loads, to prepare for the impacts of a changing climate, and to mitigate risks to human health, safety, property, and the environment (PPS 1.6.6.7).

The Growth Plan requires municipal water and wastewater systems to serve growth in a manner that supports the achievement of the minimum intensification and density targets set by the plan (Growth Plan 3.2.6).

The City completed an Area Servicing Plan for the Aldershot MTSA as part of the Area-Specific Planning process. This Area Servicing Plan was considered by staff at the City and Halton Region in the review of the subject applications, alongside the Functional Servicing Report and Stormwater Management Study submitted by the applicant. Halton Region staff have determined that an improvement to the existing downstream sanitary infrastructure will be needed to support the proposed development; accordingly, the Zoning By-law Amendment recommended by this report places a Holding Symbol on the property that requires the applicant to resolve this matter and enter into a regional servicing agreement prior to the Holding Symbol being removed and the development proceeding.

**Staff Opinion:** Subject to detailed design and implementation of a sanitary infrastructure improvement, the proposed development can be accommodated and will make more efficient use of existing municipal services. The proposed development can also appropriately manage stormwater subject to detailed design through a future Site Plan application. The proposed development therefore is consistent with the PPS and conforms to the Growth Plan.

### **2.2.5 Transportation**

The PPS promotes a land use pattern, density, and mix of uses that makes efficient use of existing and planned infrastructure, incorporates transportation demand management, minimizes vehicle trips, and supports transit and active transportation (PPS 1.6.7).

The Growth Plan prioritizes transit and requires municipalities to provide multimodal transportation systems that ensure user safety and offer alternatives to the automobile (Growth Plan 3.2.2-3). The Growth Plan also requires the protection of goods movement corridors (Growth Plan 3.2.4).

The proposed development appropriately locates a dense mixed-use development within a Major Transit Station Area in close proximity to existing and planned transit and active transportation networks. The development has been revised to support safer design of driveway accesses in response to comments from City staff and the MTO. Improvements to the existing infrastructure on Waterdown Road and Masonry Court will be required to support the proposed development and protect functionality of Highway 403 interchanges, and the detailed design of these improvements will be determined through the future Site Plan application and MTO permitting process for this development.

**Staff Opinion:** The proposed development is consistent with the transportation policies of the PPS and conforms to the transportation policies of the Growth Plan.

### **2.2.6 Sustainability**

The PPS requires municipalities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and to prepare for the impacts of a changing climate. This is to be achieved by promoting compact form and a structure of nodes and corridors, promoting active transportation and transit, and encouraging transit-supportive intensification, among other measures (PPS 1.8).

The Growth Plan requires municipalities to adopt Official Plan policies to reduce greenhouse gas emissions and address climate change adaptation goals by supporting complete communities and the minimum intensification targets of the plan, reducing automobile dependence, and supporting transit and active transportation (Growth Plan 4.2.10).

**Staff Opinion:** The proposed development is consistent with the PPS and conforms to the Growth Plan with respect to sustainability and adaptation to climate change, as it provides transit-supportive intensification in a compact built form that supports the achievement of complete communities and the minimum intensification targets of the Growth Plan.

### **2.2.7 Site Contamination**

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary to ensure that there will be no adverse effects on the proposed land use (PPS 3.2).

The applicant provided a Phase One and Phase Two Environmental Site Assessment with the subject applications, which have assessed site contamination and addressed remediation for the purpose of the requested Official Plan Amendment and Zoning By-law Amendment. A Record of Site Condition (RSC) has been completed for the subject property and reviewed by staff at Halton Region. The Region has advised that the RSC has addressed site contamination matters for the purpose of the current Official Plan Amendment and Zoning By-law Amendment applications, and noted that due to the age of the RSC, a letter update will be required to confirm the RSC findings are still current through the review of a future Site Plan application.

**Staff Opinion:** The proposed development is consistent with the PPS with respect to site contamination.

### **2.2.8 Overall Opinion on Provincial Policy:**

The PPS recognizes municipal Official Plans as the most important vehicle for implementation of the PPS (PPS 4.6). The Growth Plan similarly identifies that it will be

primarily implemented through Ontario's land use planning system, including Official Plans that have been updated to conform to the Growth Plan (Growth Plan 5.1).

Staff have reviewed the subject applications in accordance with the applicable policy framework, including the PPS, Growth Plan, Regional Official Plan, and City Official Plan. On the basis of this review, staff are of the opinion that the proposed development is consistent with the PPS and conforms to the Growth Plan.

### **2.3 Halton Region Official Plan (ROP)**

The subject property is located within the Urban Area as shown on Map 1 – Regional Structure of the ROP and is located within a Major Transit Station Area (MTSA) on a Commuter Rail Corridor, as shown on Map 1H – Regional Urban Structure of the ROP.

The Regional Urban Structure outlines a hierarchy of Strategic Growth Areas, which identifies MTSA's on Commuter Rail Corridors as one of the top four priority areas for accommodating growth through intensification within the Region (ROP 78-79). The ROP directs development with higher densities and mixed uses to MTSA's in accordance with the hierarchy of Strategic Growth Areas. In conformity with the Growth Plan for the Greater Golden Horseshoe, the ROP identifies a minimum density target of 150 residents and jobs combined per hectare for the Aldershot GO MTSA, with a target proportion of 80% residents and 20% jobs (ROP Table 2b). The proposed development provides 1165 new residential units and a minimum 475 m<sup>2</sup> of non-residential floor area, both of which will contribute to the overall MTSA achieving these targets within the planning horizon of the ROP.

The ROP requires local municipalities to prepare Area-Specific Plans (ASPs) for MTSA's. The City has substantially completed an Area-Specific Planning process for the Aldershot MTSA and is currently preparing policies and a Community Planning Permit (CPPS) by-law to implement the ASP. The ASP and CPP will establish development permissions that will support the achievement of the ROP's minimum density target and proportion of residents and jobs. The proposed development is in alignment with the vision established for the MTSA by the ASP work to date.

The proposed development supports the housing objectives of the ROP by providing 1165 new housing units within multi-storey buildings.

The ROP requires the protection of existing major facilities within Strategic Growth Areas through the achievement of land use compatibility between major facilities and new sensitive uses (ROP 79.3(12)). Regional staff have reviewed the subject applications and retained an external consultant to conduct a peer review of the land use compatibility studies (noise and air quality studies) submitted with the subject applications. Based on this review, the Region has provided comments indicating that the proposed development of new sensitive uses can achieve land use compatibility



with surrounding major facilities subject to incorporating measures to minimize and mitigate potential adverse impacts. These measures will be designed and implemented through a future Site Plan application.

The ROP requires new development within the Urban Area to be on the basis of connection to Halton's municipal water and wastewater systems. Regional staff have reviewed the Functional Servicing Report submitted with the subject applications, alongside consideration of the Area Servicing Plan completed by the City as part of the Area-Specific Planning for the MTSA, and have concluded that the proposed development can be accommodated by existing water and wastewater infrastructure, subject to needed improvements to the sanitary infrastructure downstream of the subject property. The Region requires that a Holding Symbol be placed on the subject property, and this is reflected in the Zoning By-law Amendment recommended by this report. The applicant must address the Region's servicing requirements and enter into a regional servicing agreement prior to the Holding Symbol being removed and the development proceeding.

The ROP requires the development site to be assessed for potential site contamination and for any such contamination to be remediated as needed to bring the site to a condition suitable for its planned use. This policy has been addressed through the Region's review of the submitted application materials.

**Staff opinion:** the subject applications have addressed matters of regional interest and conform to the applicable policies of the ROP.

## **2.4 City of Burlington Official Plan (1997 as amended)**

The subject property is designated Mixed Use Corridor – Commercial Corridor, as shown on Schedule B – Comprehensive Land Use Plan – Urban Planning Area, of the OP. The subject property has frontage on Waterdown Road, Masonry Court, and Cooke Blvd. Schedule J – Classification of Transportation Facilities, of the OP, shows that Waterdown Road is a Minor Arterial Road and Masonry Court and Cooke Blvd are local streets.

### **2.4.1 Functional Policies**

#### **2.4.1.1 Sustainability and the Environment**

Part II, section 2 of the OP contains policies for Sustainability and the Environment. This section includes policies for sustainable design, land use compatibility, site contamination, and stormwater management. These matters have been reviewed by staff in Planning, Development Engineering, and at Halton Region. As discussed in greater detail elsewhere in this report, the proposed development:

- Represents sustainable development in a compact built form that makes efficient use of resources;
- Achieves compatibility with surrounding land uses, subject to implementation of mitigation measures;
- Has addressed matters of site contamination and remediation; and
- Appropriately manages stormwater, subject to detailed design.

Detailed design will be further assessed through a future Site Plan application.

#### 2.4.1.2 Transportation

The subject application has been reviewed by staff in the Transportation Department as well as Halton Region, the MTO, CN Rail, and Metrolinx. This has included review of the submitted Traffic Impact Study, which includes analysis of traffic impacts, vehicle parking demands, bicycle parking demands, and Transportation Demand Management (TDM).

Part II, section 3 of the OP contains policies for Transportation. These policies promote an efficient, safe, accessible, and multimodal transportation system that provides options for all users, including providing alternatives to automobile use. This section also contains policies ensuring the provision of adequate parking supply in developments, while allowing for reduced parking ratios to be approved in appropriate locations where justified based on the review of site-specific development applications. The policies also allow for parking to be shared between uses within mixed-use developments. In the proposed development, parking for residential visitors will be shared with parking for non-residential (e.g.: commercial) uses, and a reduced parking ratio of 0.97 spaces per dwelling unit has been supported by staff based on the property's location within a MTSA in close proximity to existing and planned transit.

The proposed development provides a primary site access on Cooke Blvd and a secondary access on Waterdown Road. The secondary access on Waterdown Road is restricted to right turns only (right in, right out) while the primary access on Cooke Blvd accommodates a full range of turning movements. The Cooke Blvd access leads to a central roundabout on the property which is where passenger drop-off, loading areas, limited surface parking, and underground parking garage access are accommodated. The Waterdown Road access provides access only to and from the underground parking garage.

Due to the grade change surrounding the property, the proposed Waterdown Road access requires construction of a ramp leading downward from Waterdown Road to the subject property. This ramp will cross an existing City-owned service lane that runs alongside Waterdown Road within the public right-of-way and provides maintenance access to culverts that run underneath Waterdown Road. The applicant will need to design the proposed ramp in a manner that protects the service lane for access by City

maintenance crews, prevents public access to the service lane, and provides safe driveway slopes and sightlines for all road users. The applicant will also need to enter into relevant agreements with the City reflecting that the proposed driveway and ramp, including portions located within the City's right-of-way, are private assets to be maintained by the property owner (e.g.: future condo board) in perpetuity. In response to City comments, the applicant has revised their conceptual design of this driveway access to demonstrate feasibility of implementing these requirements. The detailed design and the relevant agreements will be determined through a future Site Plan application.

In response to other comments provided by City and agency staff, the applicant has revised their proposal to increase the supply of vehicle parking and bicycle parking, redesign their loading areas to support retail uses and accommodate Halton Region waste collection, and improve safe pedestrian connectivity throughout the site. The applicant has also acknowledged that to support their proposed development they will need to implement improvements to surrounding transportation infrastructure. Needed improvements include expanding turning lanes on Waterdown Road and Masonry Court, and constructing a new northbound right-turn lane on Waterdown Road that will allow northbound drivers to slow down before turning right onto the new site driveway ramp. The detailed design of these improvements will be determined through a future Site Plan application.

Subject to the infrastructure improvements and detailed design that are described above and to be further reviewed as part of the future Site Plan application, the proposed development conforms with the Transportation policies of the OP.

#### 2.4.1.3 Design

Part II, section 6 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in subsequent sections of this report, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies. The proposed development conforms with the design policies of the Official Plan.

#### 2.4.1.4 Financial Impact Analyses

Part II, section 12 of the OP requires the preparation of financial impact analyses to assist in the assessment of major land use development proposals. The applicant was required to submit a Financial Impact Analysis as part of the subject applications, which

has been reviewed by Finance Department staff and an external peer reviewer. This analysis is described in the subsequent Technical Review section of this report.

#### **2.4.2 Land Use Policies**

Part III of the OP contains land use policies for the Urban Planning Area. The subject property is located within a Mixed-Use Activity Area and designated Mixed-Use Corridor – Commercial Corridor. The policies for this designation are found in Part III, section 5 of the OP.

The general policies for Mixed-Use Activity areas state that these areas are intended to be focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit, and higher-intensity development with high-quality urban design.

Lands designated Mixed-Use Corridor – Commercial Corridor are intended to provide for the retail needs of residents and businesses within the City and adjacent areas. Permitted uses include retail, service commercial, personal service, financial institution, office, entertainment, recreation, community facility, and medium- or high-density residential uses. Industrial uses are prohibited. Development must be designed to be close to the street and support transit and active transportation. Street-level retail and service commercial uses are encouraged.

The Mixed-Use Corridor – Commercial Corridor policies establish a maximum height of six storeys and a maximum Floor Area Ratio of 1.5:1. The subject applications request Official Plan Amendments to permit a maximum height of 34 storeys and a maximum Floor Area Ratio of 9.1:1. These amendments represent a substantial change from the current permissions in the OP, but are supported by staff based on the current policy framework and the detailed technical review of the applications as described in this report.

The Official Plan Amendment recommended by this report also includes amendments intended to reflect the land use compatibility considerations to be implemented through detailed design at the Site Plan stage, and to allow for a limited number of surface parking spaces to be provided to support proposed non-residential uses and residential visitors.

Staff are of the opinion that the requested Official Plan Amendments meet the intent of the OP and of the overall framework of applicable policies.

#### **2.4.3 Intensification Criteria**

Part III, section 2.5.2 of the OP provides the following criteria that are considered by staff when evaluating proposals for housing intensification.

**(i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation, and parkland.**

As discussed elsewhere in this report, the proposed development can be accommodated by the existing water, wastewater, and stormwater infrastructure, subject to detailed design and implementation of sanitary sewer improvements downstream of the subject property. A Holding Symbol will be placed on the property through the recommended Zoning By-law Amendment, to ensure development cannot proceed until the sanitary sewer improvements are advanced through the execution of a Regional Servicing Agreement.

Halton District School Board, Halton Catholic District School Board, and Conseil Scolaire Viamonde have reviewed the subject application and advised that they have no concerns with availability of capacity to accommodate the proposed development in existing schools.

Parks Design & Construction staff reviewed the subject application and advised that parkland dedication will be required in the form of cash-in-lieu of land. A future urban parkette is planned to be developed adjacent to the site at the northern terminus of Cooke Blvd on land dedicated through the development of the adjacent phase 1 development to the east. Another future park is planned on the east side of Cooke Blvd, approximately 240 metres south of the subject property, on land to be dedicated through the approved development at 53-71 Plains Rd E and 1025 Cooke Blvd. Through the long-term development of the MTSA, new active transportation connections are planned that will provide improved access to existing parks, including Hidden Valley Park, Lasalle Park, Grove Park, and Aldershot Park.

**Staff opinion:** the proposed development satisfies this criterion as it is adequately served by existing and planned infrastructure, schools, and parks.

**(ii) Off-street parking is adequate.**

The proposed development will provide bicycle parking in the amount of 0.5 long-term spaces and 0.05 short-term spaces per dwelling unit. This is the City's current standard rate and is supported by staff as it supports cycling for future residents and visitors of the site.

The subject applications request a reduced vehicle parking rate of 0.97 parking spaces per unit, which is broken down into 0.89 occupant spaces per unit and 0.08 spaces per unit to be shared by non-residential uses and residential visitors. This reduced rate is supported by staff as it is appropriate given the subject property's location within a Major Transit Station Area in close proximity to existing and planned higher-order transit and local transit.

**Staff opinion:** the criterion is satisfied, as the proposed development provides adequate parking for bicycles and vehicles.

**(iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets.**

As discussed elsewhere in this report, the proposed development can be accommodated by the municipal transportation system and the provincial highway system, subject to infrastructure improvements on Waterdown Road and Masonry Court to be implemented by the applicant.

The proposed development provides a primary driveway access on Cooke Blvd and a secondary driveway access on Waterdown Road. Cooke Blvd is a local street but notably is a local street in a Mixed-Use Corridor rather than in a residential neighbourhood. The proposed primary access is appropriately located on Cooke Blvd to allow for a full range of turning movements without disruption to efficient and safe circulation of road users, including pedestrians and cyclists, on Waterdown Road and Masonry Court. The proposed secondary access on Waterdown Road is desirable, given the scale of the development, to reduce traffic pressures on the local streets Cooke Blvd and Masonry Court. The secondary access is appropriately restricted to right-in, right-out movements to avoid adverse impacts to circulation on the arterial road network.

**Staff opinion:** The transportation impacts of the proposed development have been assessed by staff at the City, Region, and MTO. The capacity of the municipal and provincial transportation systems can accommodate the proposed development, subject to infrastructure improvements. The proposed development is also supported by appropriately located driveways. The criterion is therefore satisfied.

**(iv) The proposal is in proximity to existing or future transit facilities.**

**Staff opinion:** The criterion is met as the proposed development is located within a Major Transit Station Area in close walking distance to existing and planned higher-order transit and local transit.

**(v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided.**

The proposed development represents a significantly taller and more intense form of development than what exists or has been approved in the immediate surroundings to date. However, the proposed development is consistent with the emerging vision for this area of the Aldershot MTSA, which is being established through the City's Area-Specific Planning process for the Aldershot MTSA.

The massing of the podiums along Masonry Court are proposed to be six storeys in height, aligning with the existing six-storey buildings immediately to the east. Along Cooke Blvd, the podium of Building B steps down to three storeys to the north, creating a transition to the low-rise townhouses located on the east side of Cooke

Blvd. The podium of the northwest building (Building A) is more massive with a height of 12 storeys, but this is acceptable given the building's physical separation from the surrounding streets which limit its impact on the public realm.

Parking is proposed to be located underground, with only limited vehicle parking (6 spaces) proposed at ground level on the site. This design will avoid negative impacts on the streetscape that could be caused through excessive surface parking areas.

Indoor and outdoor amenity spaces are provided on the site, including two notable outdoor amenity areas at ground level: an urban plaza fronting on Masonry Court, between Buildings B and C; and a more landscaped outdoor amenity area north of Building B, adjacent to Cooke Blvd and the planned future park. These planned amenity areas will serve residents and visitors of the site, and positively contribute to the streetscape, subject to detailed design to be addressed through a future Site Plan application.

**Staff opinion:** the criterion is satisfied, as the proposed development achieves built form and design compatibility with the existing and planned context of the area.

**(vi) Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.**

The subject property currently contains no trees. Subject to detailed design, the proposed development is expected to introduce new trees on the site as part of the landscaping, although it is acknowledged that any new trees on site will be planted on top of an underground parking garage.

There are 15 public trees located in the Waterdown Road right-of-way adjacent to the subject property. Of these, two are assessed as being in good condition, three are assessed as dying, and the balance are assessed as being in fair condition. Two of these trees (one fair and one dying) are proposed to be removed due to conflict with the proposed driveway access to Waterdown Road. Additional public tree removals may be necessary due to grading works necessary for the proposed ramp and potential redesign of the City's service lane. The detailed design, including a more detailed Tree Inventory and Preservation Plan, will be reviewed through a future Site Plan application. Public tree removals and potential compensation planting will be considered in accordance with applicable City policies.

**Staff opinion:** The criterion is satisfied as there are no trees or significant vegetation existing on the subject site, and proposed vegetation impacts in the Waterdown Road right-of-way will be assessed in greater detail through a future Site Plan application.

**(vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.**

A revised Shadow Study was submitted that models shadow impacts of the proposed development. As discussed in greater detail under the Design Guidelines section below, the proposed development complies with the City's Shadow Guidelines as its shadow impacts on surrounding areas are at an acceptable level as defined in the guidelines.

**(viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres, and health care.**

The subject property is located within the Aldershot Village Business Improvement Area (BIA) boundary and is in walking distance to retail areas along Plains Road. The site is well-served by transit, which provides connections to public and private services in Burlington, Hamilton, and along the Lakeshore West GO line. The recently completed protected bike lanes on Plains Road West further support access to services.

The subject property is also located within the Aldershot MTSA, which is planned to develop as a complete community with a range of land uses including public service facilities.

**Staff opinion:** The criterion is satisfied as the proposed development has access to existing and planned public and private services.

**(ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.**

As discussed throughout this report, the design of the proposed development will need to incorporate measures to minimize and mitigate potential adverse impacts from wind, noise and vibration, and air quality. As part of the current Official Plan Amendment and Zoning By-law Amendment applications, the applicant has provided technical analysis that has demonstrated the feasibility of minimizing and mitigating these potential impacts through design. These measures will be considered through the detailed design of the proposed development, which will be determined through a future Site Plan application.

**Staff opinion:** The criterion is met as the applicant has demonstrated capability of providing buffering and other measures to minimize and mitigate potential adverse impacts through design.

**(x) Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate.**

The lands adjacent to the subject property have already developed in recent years; no further intensification potential is anticipated on the immediately adjacent lands. In the broader context of the MTSA, extensive intensification is anticipated through development both east and west of Waterdown Road. This intensification potential



has been considered through the City's Area-Specific Planning project for the MTSA, and the proposed development is in alignment with the vision for the MTSA. No impacts on the intensification potential of other properties are anticipated.

**Staff opinion:** The criterion is met as the proposed development aligns with the vision established through an area-specific planning exercise, and the proposed development will not compromise the intensification potential of surrounding properties.

**(xi) Natural and cultural heritage features and areas of natural hazard are protected.**

There are no natural or cultural heritage features or areas of natural hazard located on the subject property. The subject applications were circulated to Conservation Halton, who responded to confirm that the existing stormwater management feature to the north of the site was designed to contain areas of natural hazard within its own boundaries and will not be impacted by the proposed development.

**Staff opinion:** The criterion is satisfied as there are no impacts to natural or cultural heritage features or areas of natural hazard.

**(xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 (g) and (m).**

Policy 2.11.3 (g) does not apply to the subject property. Policy (m) is a stormwater management policy that applies to the South Aldershot area in which the subject property is located. As discussed elsewhere in this report, the subject application has been reviewed by Development Engineering staff, who have confirmed that the proposed development can be accommodated by the stormwater infrastructure system, subject to detailed design to be reviewed in greater detail through a future Site Plan application.

**Staff opinion:** The criterion is satisfied as policy (g) does not apply and policy (m) has been addressed through the stormwater review of the applications by Development Engineering staff.

**(xiii) Proposals for non-ground-oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale, and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.**

The subject property is located in a Major Transit Station Area and has direct vehicular access to a minor arterial road (Waterdown Road). The built form and scale of development have been designed to provide a transition to surrounding properties and are in alignment with the vision for the MTSA established through the Area-Specific Planning process.

**Staff opinion:** The criterion is satisfied.

#### **2.4.4 Overall Staff Opinion**

The proposed development satisfies the intensification criteria and conforms to the other applicable policies of the OP. The requested Official Plan Amendments are supported by staff based on a detailed technical review that has found that the proposed development meets the intent of the Official Plan, complies with the applicable policy framework, and is consistent with the emerging vision for the Aldershot MTSA established through the City's ongoing Area-Specific Planning project.

#### **2.5 Burlington's New Official Plan (New OP) (2020)**

Burlington's New OP was approved in 2020 and is subject to appeals. Due to the appeals, substantial portions of the New OP have not yet come into effect. Nonetheless, the new OP represents Burlington's vision for future development and staff have considered the new OP in the review of the subject applications.

##### **2.5.1 Urban Structure and Growth Framework**

The subject property is located within the lands identified as Mixed-Use Nodes and Intensification Corridors on Schedule B – Urban Structure of the new OP. These lands will be developed at overall greater intensities, supporting frequent transit corridors and providing focal points of activity where active transportation is facilitated through careful attention to urban design.

The subject property is located within an area identified as a Primary Growth Area as shown on Schedule B-1 – Growth Framework of the new OP. Primary Growth Areas will accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and consequently will experience the greatest degree of change. These areas will be regarded as the most appropriate and predominant locations for new tall buildings in accordance with the underlying land use designations or the land use policies of an Area-Specific Plan.

##### **2.5.2 Land Use Policies**

The subject property is designated Urban Corridor as shown on Schedule C – Land Use – Urban Area of the new OP. Urban Corridor lands are intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the Corridor and may also serve a broader city-wide market. Permitted land uses include retail and service commercial, residential, office, entertainment, and recreation uses. Retail and service commercial uses and other pedestrian-oriented uses shall be located on the ground floor of residential buildings; a limited range of office uses may also be permitted on the ground floor. Development of Urban Corridor lands shall maintain the planned commercial function of the site.

The Urban Corridor policies establish a maximum Floor Area Ratio of 2:1, which may be increased through a site-specific Zoning By-law Amendment provided that the objectives of the Urban Corridor are maintained. The maximum building height is six storeys.

The proposed development conforms to the land use policies of the Urban Corridor designation, as it provides residential uses with ground-floor non-residential uses along Masonry Court. The ground-floor non-residential uses may be retail, service commercial, office, recreation, or entertainment uses, or other pedestrian-oriented uses if permitted by the Zoning By-law.

The proposed development substantially exceeds the maximum Floor Area Ratio and building height of the Urban Corridor designation. As discussed elsewhere in this report, the proposed Official Plan Amendment to increase maximum Floor Area Ratio and building height is supported by staff as it aligns with the overall current policy framework vision of the Area-Specific Planning for the MTSA.

### **2.5.3 MTSA Policies**

The subject property is located within the Aldershot GO Major Transit Station Area (MTSA) as identified by the Regional Official Plan. Section 8.1.2 of the new OP indicates that the City will complete Area-Specific Plans (ASPs) for MTSA's. An ASP for the Aldershot GO MTSA is currently substantially underway, as discussed elsewhere in this report. Prior to the completion of the ASP, section 8.1.2 requires development applications in MTSA's to contain a mix of uses, support active transportation and transit, incorporate Transportation Demand Management, and be consistent with the MTSA typology of the new OP. The MTSA typology identifies Aldershot GO as an MTSA located along a higher-order transit route with planned frequent transit service but not a Priority Transit Corridor identified by the Growth Plan. The typology anticipates that Aldershot GO and other MTSA's will accommodate the majority of growth over the planning horizon of the new OP.

The proposed development is consistent with the policies and objectives of section 8.1.2, as it is a dense, mixed-use development that supports active transportation and transit with appropriate design and transportation demand management.

### **2.5.4 Transportation**

The subject property fronts on a segment of Waterdown Road that is identified as a MTSA Primary Connector and a Frequent Transit Corridor as shown on Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors of the new OP. This segment of Waterdown Road is also identified as a Multi-Purpose Arterial on Schedule O-1 – Classification of Transportation Facilities – Urban Area of the new OP.

The proposed development provides a mix of uses in a compact, high-density form that will contribute to supporting transit use along the planned Frequent Transit Corridors

and throughout the transit network more broadly. The proposed development also supports active transportation through provision of long-term and short-term bicycle parking and through compact built form. As discussed elsewhere in this report, the proposed development can be accommodated by the transportation network, subject to needed infrastructure improvements to be designed and implemented through a future Site Plan application.

The proposed development conforms to the transportation policies of the new OP.

### **2.5.5 Housing**

Subsection 3.1.1(2)(g) of the new OP and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The [Housing Strategy](#) and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by Council in June 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy is underpinned by extensive technical work that can be found in the Housing Needs and Opportunities Report. The [Housing Needs and Opportunities Report](#) articulates the current state of housing in Burlington as well as current and future housing needs and establishes a toolbox of best practices in housing, focusing on innovative practices and new ideas. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan that also identifies a list of Prioritized Actions and Quick Wins.

The proposed development supports the achievement of Action No. 7 of the Housing Strategy, "Support, permit, and encourage the development of alternate forms of housing, including higher-density types of housing, where feasible and appropriate". The proposed development provides 1165 new housing units in a higher-density, compact development, in an appropriate location in a Primary Growth Area and MTSA. 33% of the proposed housing units are proposed as two-bedroom or two-bedroom-plus-den units.

### **2.5.6 Environment and Sustainability Policies**

Chapter 4 of the new OP contains policies for stormwater management, land use compatibility, and site contamination. As discussed elsewhere in this report, the subject applications have addressed the City's requirements for these matters. Detailed design

of stormwater management and land use compatibility measures will be reviewed in further detail through a future Site Plan application.

### **2.5.7 Financial Sustainability**

The new OP requires the completion of a Financial Impact Study to support development applications that propose more than 500 dwelling units. Accordingly, a Financial Impact Study was submitted by the applicant and reviewed by the Finance Department. The Finance Departments' review and comments are discussed under the Technical Review section of this report.

### **2.5.8 Design Policies**

The Design policies in chapter 7 of the new OP include requirements for design of development within Primary Growth Areas. The proposed development conforms to the design policies of the new OP as it locates buildings close to the street to define the street edge, provides built form transitions to surrounding residential uses, locates primary public entrances on the façade facing the street, and provides appropriate outdoor amenity areas and open spaces that enhance the public open space network of the community. Further discussion of the design of the proposed development is contained in the Urban Design Guideline sections of this report.

The proposed development complies with the design policies of the new OP. Design will be reviewed in greater detail through a future Site Plan application.

### **2.5.9 Development Criteria**

Section 12.1.1(3) of the new OP contains criteria to inform the assessment of site-specific Official Plan Amendment applications. The proposed development does not deliver all of the city-building objectives contained in policy 12.1.1(3)(i)(xi), but generally meets the intent of these criteria as it is consistent with the Urban Structure and Growth Framework of the new OP, conforms to provincial and regional plans, is compatible with the surrounding area, can be accommodated by existing infrastructure subject to improvements.

Section 12.1.2(2.2) of the new OP contains additional criteria for the review of site-specific development applications. The majority of these criteria are comparable to the Intensification Criteria of the Official Plan (1997 as amended) discussed elsewhere in this report. As discussed above, the proposed development conforms to these criteria.

### **2.5.10 Overall Staff Opinion**

The subject applications generally comply with the policies and intent of the new OP. The requested Official Plan Amendment proposes increased Floor Area Ratio and building height beyond the permissions of the Urban Corridor designation of the new OP. These amendments are supported by staff as they conform to the overall current

policy framework and align with the Area-Specific Plan for the Aldershot GO MTSA that is referred to in chapter 8.1.2 of the new OP.

## **2.6 Area-Specific Plan (ASP) for the Aldershot GO Major Transit Station Area (MTSA)**

The City started the Mobility Hubs Study in 2017-2018 and focused on area-specific planning work for the three GO station areas. Precinct plans were drafted for each study area around the Aldershot, Burlington, and Appleby GO Stations. The precinct plans were presented to Council for comment, but not approved, and the Mobility Hubs Study was placed on Hold. The City has resumed work through the Major Transit Station Area (MTSA) Area-Specific Planning Project. The following staff reports have been presented to Council:

- MTSA Area-Specific Recommended Preferred Precinct Plans ([PL-02-22](#))
- Major Transit Station Areas – Area Specific Plans Planning Study update ([PL-10-22, SD-20-22](#))
- Proposed Major Transit Station Area (MTSA) Official Plan Amendment and Draft Community Planning Permit (CPP) By-law public release ([PL-59-23, SD-43-23](#))

Council received the studies and reports presented through the above-referenced reports and direct staff to review feedback (public and agency) and complete further work related to the Burlington GO MTSA and Appleby GO MTSA. The most recent report (PL-59-23, SD-43-23) also directed the Director of Community Planning to consider the feedback provided in the Statutory Public Meeting October 31, 2023, prior to bringing forward a subsequent staff report recommending adoption of Official Plan Amendment No. 2 and Community Planning Permit By-law. Currently, the policies for the Precinct Plans are not in force and effect but inform the planning direction for the future.

The vision for the Aldershot MTSA, also known as Aldershot Corners, is to provide the first impression of Burlington when travelling east from Hamilton and Niagara on the Lakeshore West GO line. Aldershot Corners will continue to evolve as an urban area with a distinct sense of neighbourhood character, supported by a mix of residential, commercial, and employment uses. Taller buildings will be concentrated along the rail line and will decrease in height and intensity closer to Plains Road and the existing residential neighbourhoods. Aldershot Corners will be a vibrant, livable community with urban shopping and dining opportunities serving those living and working close by. The objectives of Aldershot Corners is to achieve sensitive transitions to established residential neighbourhood areas; concentrate higher intensity development on large brownfield/greyfield sites that contain existing employment uses in order to encourage mixed use development; recognize existing employment and planning for future employment and commercial uses; planning for flexible commercial and retail spaces;

creating new streets and active transportation connections; and, focusing heights away from Plains Road and towards the rail corridor.

There are five distinct precincts within Aldershot Corners MTSA. The subject property is within the Aldershot GO Central Precinct which is the focus area for the MTSA's highest density. This precinct is the preeminent destination for Major Office, affordable housing, and urban format retail. Built-form transition is important in this precinct to ensure increased density is also met with streetscape design that creates a pedestrian-focused area for travelers to arrive in, find amenities, and enjoy outdoor spaces.

The Aldershot GO Central Precinct is the focus of the tallest buildings close to the GO station at a maximum height of 30 storeys. However, maximum building heights are not guaranteed and are to be commensurate with the degree of community benefit or amenity provided by the development.

The permitted uses in the Aldershot GO Central Precinct may include apartments with non-residential uses on the ground floor; office and major office uses; retail and service commercial uses (on bottom two floors only); hotel uses; entertainment uses (on bottom two floors only); employment uses such as light assembly and manufacturing uses compatible with abutting mixed-use residential buildings; and recreation uses (on bottom two floors only). Office and commercial uses should be prioritized near the Aldershot GO Transit Station to encourage areas of employment within walking distance of the station.

**Staff opinion:** Staff have reviewed the subject applications with consideration for the vision and objectives of the ASP. The proposed development aligns with the vision for the Aldershot GO Central Precinct and the MTSA more broadly. The proposed residential apartment buildings with non-residential uses at ground level along the street, and building heights of maximum 30, 32, and 34 storeys, are consistent with the land uses and built form intended for this precinct.

## **2.7 Zoning Bylaw**

The subject property is currently zoned MXC-26 (Mixed Use Corridor – Commercial, with site-specific exception 26). This report recommends approval of a Zoning By-law Amendment, contained in Appendix C of this report, to rezone the property from MXC-26 to H-MXC-531 (Mixed-Use Corridor – Commercial, with site-specific exception 531 and holding symbol) to permit the proposed development.

The existing MXC-26 zone is consistent with the in-effect policies of the Official Plan (1997 as amended). The proposed new H-MXC-531 zone is consistent with the proposed Official Plan Amendment that is recommended for approval by this report.

The changes from the current MXC-26 to the proposed new zone are summarized in Table 2 below.

**Table 2: Summary of Zoning Changes from Current to Proposed Zones**

	<b>Current MXC-26 zone</b>	<b>Proposed MXC-531 zone</b>
Maximum Floor Area Ratio	1.5:1	9.1:1
Maximum Building Height <ul style="list-style-type: none"> <li>• Building A</li> <li>• Building B</li> <li>• Building C</li> </ul>	6 storeys (all buildings)	<ul style="list-style-type: none"> <li>• 34 storeys and 112 m</li> <li>• 30 storeys and 100 m</li> <li>• 32 storeys and 106 m</li> </ul>
Maximum Dwelling Units	No maximum	1165
Minimum Non-residential Floor Area	None required	475 m <sup>2</sup>
Landscape Area abutting a street	3 m	None required
Amenity Area	28, 690 m <sup>2</sup>	15 m <sup>2</sup> per unit (equals 17,475 m <sup>2</sup> )
Minimum yards	3 m (from all streets)	Building A: 4.5m from Waterdown Rd  Building B: 5 m from Cooke Blvd and Masonry Court  Building C: 5m from Masonry Crt and 3 m from Waterdown Rd
Minimum underground setbacks (from all lot lines)	3 m	0.9 m
Minimum residential parking	1457 spaces total	0.89 occupant spaces/unit 0.08 visitor spaces/unit (equals 1130 spaces total)
Minimum bicycle parking	3 spaces	0.5 long-term spaces/unit 0.05 short-term spaces/unit (equals 641 spaces)

**2.7.1 Flexibility in regulations**

The proposed Zoning By-law Amendment has been written with recognition of the fact that the subject property is proposed to be developed in phases. Accordingly, staff have written a degree of flexibility into the requirements for each individual building, provided that the overall development continues to adhere to key parameters. For example, the



applicant could change the exact number of dwelling units and non-residential floor area provided in each building, so long as the overall site does not exceed a maximum of 1165 dwelling units and that it provides a minimum of 475 m<sup>2</sup> of non-residential floor area on the site.

Similarly, a degree of flexibility has been provided in the maximum height and Floor Area Ratio. The proposed development as shown on the submitted plans comprises three buildings of 33, 31, and 29 storeys (109, 97, and 103 metres), with a Floor Area Ratio of 9:1. The proposed Zoning By-law Amendment sets the maximums slightly higher (one extra storey and 3 extra metres of height for each tower) and a Floor Area Ratio of 9.1:1. This maintains the intent of the proposed development while allowing for an appropriate amount of flexibility to account for minor design changes that may occur at the detailed design stage, such as the need for a taller than expected rooftop mechanical penthouse, or the desire to add a mezzanine level to one or more of the buildings.

### **2.7.2 Holding Symbol**

The proposed Zoning By-law Amendment places a Holding Symbol on the subject property, as required by Halton Region. The Holding Symbol prevents the development from proceeding until the applicant satisfies criteria to allow the Holding Symbol to be removed by adoption of a by-law. For the subject property, the Holding Symbol removal criterion is “The Owner executes a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary sewer capacity.”

### **2.7.3 Landscape Area**

The proposed amendments remove the requirement for a Landscape Area along street frontages, to recognize the planned urban character of the proposed development and streetscape. Removing this requirement will also simplify implementation; landscaping will still be required through the Site Plan application but will not need to be a continuous strip of planted area running along the entire street frontage. This will allow for a more nuanced design that responds to the specific context and streetscaping objectives of the site.

### **2.7.5 Bicycle parking**

The current zoning regulations only require bicycle parking for non-residential uses. The proposed zoning more appropriately requires a minimum number of parking spaces per residential unit.

## **2.8 Urban Design Guidelines**

### **2.8.1 Tall Building Guidelines (2017)**

The proposed development comprises three tall buildings with L-shaped podiums and rectangular towers.

#### **2.8.1.1 Podium Design**

The podium of a tall building anchors the tower and defines the pedestrian experience at the street. The proposed development complies with the guidelines with respect to podium design as follows:

- Buildings B and C are located to frame the street on Masonry Court and Cooke Blvd.
- Buildings B and C have six-storey podiums which reinforce the six-storey streetwall that has already been established by the existing mid-rise buildings to the immediate east on Masonry Court.
- The podium of Building B steps down to a height of three storeys toward the north along Cooke Blvd, which provides an appropriate transition to the low-rise townhouse development located on the opposite side of Cooke Blvd.
- Non-residential uses are provided within the podiums of Buildings B and C. These uses in will have entrances on Masonry Court. Due to the slope of Masonry Court, Building B is lower than the street, and so its non-residential uses have entrances accessed via a central plaza
- A mid-block pedestrian connection is provided between Buildings B and C via a plaza that will provide access from Masonry Court to the entrances of non-residential uses and to the interior of the site.
- Podiums are separated by 16 m (Buildings C and A) and 22 m (Buildings C and B)
- Building B provides a residential entrance on Cooke Blvd. Due to the slope of Masonry Court, Building C provides a primary residential entrance on the ground level from the drop-off area at the interior of the site, and a secondary residential entrance at the second storey on Masonry Court.

#### **2.8.1.2 Tower Design and Building Top**

The tower is the most substantial and impactful component of a tall building. It should maximize sky views and access to sunlight through slender floorplates and spacious separations between towers. The proposed development complies with the guidelines with respect to tower design as follows:

- The towers provide a height transition to the surrounding area, with heights stepping down from the tallest tower (Building A, max. 34 storeys) in the northwest at Waterdown Road near the train tracks, down to Building C (32 storeys) at Masonry Court and Waterdown Road, and the shortest tower

(Building B, 30 storeys) at the corner of Cooke Blvd and Masonry Court, nearest to the mid-rise and low-rise residential areas to the east.

- Towers are separated from each other by at least 27 metres (Buildings A and B), which exceeds the minimum 25 m separation outlined in the guidelines. Buildings B and C have a tower separation of 47 metres.
- Towers are slender with floorplates of 750 m<sup>2</sup>
- Tower balconies do not project more than 1.5 m from the building wall

The design of the building top (mechanical penthouse) will be determined through detailed design at a future Site Plan application stage, but the current proposed design complies with the guidelines for building top.

#### 2.8.1.3 Alternative Solutions

The proposed development does not meet the exact metrics of the guidelines in a few respects. The Tall Building Guidelines represent best practices but are not intended to limit creativity in design. Where it can be demonstrated that an alternative built form achieves the intent of the guidelines, alternative solutions should be permitted. The following alternative solutions are proposed, which staff believe are appropriate for the site's context and meet the intent of the guidelines.

Building A has a podium height of 12 storeys, which exceeds the maximum podium height of 20 m (approximately 6 storeys) recommended by the guidelines. This is acceptable given the building's substantial separation from public streets, which limits its impact on the streetscape or surrounding properties. Building A is separated from Cooke Blvd by 42 m and from the Waterdown Road sidewalk by 35 m. The Waterdown Road sidewalk is also elevated 5 m higher than the base of Building A, which lessens the tall podium's impact on the street. The lands to the north of Building A are open space (stormwater infrastructure) that will not develop.

The proposed buildings each provide a substantial stepback (with rooftop terrace) above the podium on at least one side, but provide no stepback above the podiums on other sides. This means that on two to three sides of each building, the building wall goes straight up from ground level to the top storey. However, the proposed development provides an alternative solution to achieve the intent of providing a stepback: substantial balconies will wrap around those sides of the podium that do not have a stepback. These balconies will project up to 2.1m out from the building and will be enclosed on the sides and top, open only to the front. Visually, these balconies will appear to be a part of the podium. Above the podium, balconies will be smaller, less continuous, and light, projecting only 1.5. Overall, this will have the effect of creating slender towers that are pulled back from the street relative to the building massing (partly enclosed balconies) below them. Technical studies submitted with the application have demonstrated that this alternative solution will also achieve the guideline intent of

minimizing shadow impacts, and that wind impacts can be mitigated to acceptable levels through detailed design.

#### 2.8.1.4 Staff Opinion

The proposed development satisfies the intent of the Tall Building Guidelines, including through the use of some alternative design solutions that differ from the specific metrics of the guidelines.

### **2.8.2 Shadow Study Guidelines and Terms of Reference (2020)**

The applicant submitted a Revised Shadow Study prepared by Core Architects Inc., dated February 10, 2023, which was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks. The impact of shadowing on these spaces are reviewed below:

- Key Civic and Cultural Spaces: There are no Key Civic and Cultural Spaces in the surrounding area, and therefore, not applicable.
- Private Outdoor Amenity Spaces: These spaces include rear yards, decks, and (rooftop) patios. As per the guidelines, shadows from proposed developments should not exceed 2 hours in duration, between 9:00 and 18:00 on March 21<sup>st</sup>. The proposed development complies with this guideline, as it provides a Sun Access Factor on March 21<sup>st</sup> is 0.35, exceeding the minimum Sun Access Factor of 0.22.
- Parks and Open Spaces: There is a planned park located immediately adjacent to the north of the subject property at the terminus of Cooke Blvd. Shadows cast must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods of March 21<sup>st</sup> (9:00 to 18:00), September 21<sup>st</sup> (9:00 to 18:00), and December 21<sup>st</sup> (11:00 to 15:00). The Sun Access Factor is 0.83 on March 21<sup>st</sup>, 0.8 on September 21<sup>st</sup>, and 0.51 on December 21<sup>st</sup>. Therefore, the criterion is met as it is greater than 0.5 on each test date.
- Places Where Children Play: These spaces include school yards, playgrounds, and park features such as wading pools or other outdoor shadow-sensitive activity areas as identified by the City of Burlington. There are no Places Where Children Play in the surrounding area, and therefore, not applicable.
- Public Realm and Sidewalks: Shadows cast onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times between 9:00 and 18:00 on March 21<sup>st</sup>. The Sun Factor is 0.85 on the opposite boulevard on March 21<sup>st</sup>. Therefore, the criterion is met as it is greater than 0.5 on the test date.

The applicant has also provided a separate shadow review of the outdoor amenity area for the proposed development. The Sun Access Factor on the proposed private outdoor

amenity space within the development is 0.38 on March 21<sup>st</sup> which exceeds the minimum of 0.22. Overall, the Revised Shadow Study meets the Shadow Study Guidelines and Terms of Reference (2020).

### **2.8.3 Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020)**

The applicant submitted a revised Pedestrian Wind Study, prepared by SLR, and dated February 28, 2023, as part of the second submission. The Wind Study assessed the effect of the proposed development on local conditions in pedestrian areas for the subject lands and surrounding area. Staff have reviewed the submitted wind analysis in accordance with the Pedestrian-Level Wind Study Guidelines and Terms of Reference (the Wind guidelines).

#### **2.8.3.1 Wind Conditions and Impacts on the Subject Property**

As the site exists currently, wind conditions are uncomfortable in winter on portions of the site close to Masonry Court. The proposed development, without mitigation, would result in generally acceptable wind conditions in summer for the proposed uses throughout the site, with the exception of one uncomfortable location at the corner of Building C interior to the site, and some locations on the 13<sup>th</sup>-storey rooftop terrace of Building A where conditions would be suitable for fast walking but not sitting.

In winter, the proposed development without mitigation would result in uncomfortable wind conditions at numerous locations throughout the site, particularly on rooftop terraces and at ground level in the outdoor amenity area and central drop-off area. The rooftop terrace of Building A also does not meet the annual wind safety threshold.

Mitigation measures will be required to achieve acceptable conditions on site throughout the year, in particular to address the areas assessed as uncomfortable or unsafe.

#### **2.8.3.2 Wind Conditions and Impacts on the Surrounding Area**

Public sidewalks surrounding the subject property currently experience uncomfortable conditions in some areas, and conditions suitable for fast walking or better in other areas. The proposed development, without mitigation, would result in uncomfortable conditions occurring on public sidewalks around the intersection of Cooke Blvd and Masonry Court.

#### **2.8.3.3 Mitigation of Wind Impacts**

The submitted wind study indicates that strong wind flows on site are due to the overall exposure of the development to the prevailing northeasterly and southwesterly winds. These winds would downwash off the building facades and accelerate at grade around the three buildings.

The proposed development will have pedestrian-level wind impacts on the subject property and surrounding public realm, which must be mitigated in order to bring wind comfort and safety conditions down to acceptable levels. The detailed design of

mitigation measures will be determined through a future Site Plan application. As part of the current application, the applicant has provided a conceptual design for mitigation, which involves the use of ground-level wind screens at various locations around the site. Staff identified concerns with the location of some of these screens, which in the opinion of staff were too close to Cooke Blvd and the central drop-off area, creating undesirable streetscape design on Cooke Blvd and potential sightline issues for pedestrians and drivers in the drop-off area. In response, the applicant provided supplemental material in which their wind consultant confirmed that alternative mitigation designs are possible that will appropriately mitigate wind impacts while also addressing the design concerns of staff. As part of the future Site Plan application, the applicant will be required to submit more detailed information. Staff will ensure through their detailed review of the Site Plan application that wind impacts are appropriately mitigated to acceptable levels, and that mitigation measures such as wind screens are appropriately integrated into the design of the development.

#### 2.8.3.4 Staff Opinion

For the purposes of the current Official Plan Amendment and Zoning By-law Amendment, staff are satisfied that the wind impacts of the proposed development can be mitigated to achieve the intent of the Pedestrian-Level Wind Guidelines and Terms of Reference.

#### **2.8.4 Sustainable Building and Development Guidelines (2021)**

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features, and sets a net carbon neutral goal for the community. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication.

In accordance with Guideline 2.1, development proposals require pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites. The applicant has identified that pedestrian connections are provided on site between and around buildings which connect to public sidewalks.

The Guidelines require the provision of bicycle parking spaces, and the location of bicycle parking within convenient, weather-protected spaces to encourage active transportation. The proposed development exceeds the base requirements of the Zoning By-law by providing 0.5 long-term bicycle spaces and 0.05 short-term bicycle

spaces per unit. These spaces are appropriately located with short-term spaces (for visitors or customers) at ground level and long-term spaces indoors.

Guideline 2.4 encourages the provision and implementation of a Transportation Demand Management (TDM) Plan as part of development proposals. TDM plans evaluate building transportation needs comprehensively and may consider measures such as the provision of transit passes, flexible work hours, unbundled parking, on site transit facilities, priority parking for carpooling and autoshare programs, etc. The applicant provided a Transportation Impact Study that included a TDM plan with strategies such as unbundling parking, providing a mix of land uses, providing bicycle parking and supportive resources such as bike repairs stations, among others. The proposed TDM plan has been considered by Transportation staff as part of their review of the applications, and have accepted the overall Transportation Impact Study for the purpose of the current Official Plan Amendment and Zoning By-law Amendment applications.

Guideline 4.1 promotes sustainable stormwater management. Comments from Development Engineering staff indicate that the subject applications have addressed stormwater management matters for the purpose of the current applications. More detailed stormwater design will be reviewed through the future Site Plan application.

In accordance with guideline 5.1, development proposals require vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The development proposal includes landscaped areas at ground level and on rooftop terraces.

In accordance with Guideline 6.1 development proposals are required to provide and implement a waste management plan in accordance with Regional requirements. The applicant has revised their plans to accommodate Regional waste collection. Further waste management specifications will be addressed at the Site Plan Review stage.

Staff is of the opinion the proposed development proposal complies with the required Sustainable Building and Development Guidelines and considers some voluntary guidelines. Additional sustainability measures will be established in more detail at the Site Plan approval stage to ensure the sustainability objectives of the City of Burlington are met.

### **3.1 Technical Review**

Planning staff circulated the original and second submissions of the application to relevant City departments and external technical agencies for review. The third submission of the application was circulated to those reviewers who had outstanding

concerns from their review of the previous submissions. A summary of comments from technical reviewers is provided below.

### **3.1.1 Halton Region**

Halton Region comments on the subject applications were primarily concerned with the following themes:

**Land use compatibility:** the Region retained Dillon Consulting to conduct an external peer review of the submitted Land Use Compatibility (Air Quality) Assessment and Environmental Noise Study. The peer review identified the need to provide additional information to demonstrate that the proposed sensitive uses would be compatible with nearby major facilities including industrial uses and the CN rail yard. The applicant addressed these concerns through the provision of revised and supplemental materials demonstrating that the proposed development will be compatible with its surroundings.

**Municipal Servicing:** Regional comments identified the need for improvements to the sanitary sewer infrastructure downstream of the subject property. In accordance with Regional requirements, the Zoning By-law Amendment that is recommended by this report includes the provision of a Holding Symbol that will require the owner to execute a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary servicing capacity prior to removal of the Holding Symbol and construction of the proposed development.

**Site contamination:** the Region identified the need to provide further information; the applicant addressed this concern through supplemental submissions.

**Waste management:** the applicant addressed Regional concerns with waste management by revising their site plan to accommodate regional waste collection vehicles.

The comments of Halton Region have been addressed for the purposes of approving the Official Plan Amendment and Zoning By-law Amendment. The applicant will be required to continue working with Halton Region to address more detailed design requirements prior to removal of the Holding Symbol from the property and prior to Site Plan approval.

### **3.1.2 Development Engineering and Stormwater Engineering**

Development Engineering staff provided comments requiring revisions to the design of the proposed right-in, right-out driveway on Waterdown Road to address concerns with stormwater management and impacts to the existing City service laneway that runs alongside Waterdown Road. Development Engineering also required revisions to the submitted noise and vibration study. The applicant addressed these comments through revised submissions. Further review of detailed design will occur through a future Site Plan application.



### **3.1.3 Transportation Services**

Transportation staff provided comments on the applications identifying requirements for parking, site design, and traffic impacts. The applicant has addressed these comments as follows:

- Increasing vehicle parking supply to a rate of minimum 0.97 spaces per unit, which is supported by staff given the subject property's location within a Major Transit Station Area in close proximity to transit.
- Increasing bicycle parking to 0.5 long-term spaces per unit and 0.05 short-term spaces per unit.
- Revising the design of the proposed right-in, right-out driveway on Waterdown Road with appropriate slopes and a flat landing pad to allow safe sightlines for drivers. The applicant may also have to construct a new northbound right-turn lane on Waterdown Road to allow drivers to slow down before turning right into the new driveway. Detailed design requirements will be confirmed through a future Site Plan application.
- Revising the site design to provide adequate loading spaces for the proposed development.
- Acknowledging the need to provide road improvements to accommodate future traffic levels, such as extensions of turning lanes on Waterdown Road and Masonry Court. Detailed design requirements and cost estimates will be confirmed through a future Site Plan application.

Staff are satisfied that Transportation comments have been addressed for the purpose of the current Official Plan Amendment and Zoning By-law Amendment applications.

### **3.1.4 Ministry of Transportation (MTO)**

The subject property is located at the edge of the area regulated by the MTO due to proximity to Highway 403. The MTO provided comments on the original application identifying concerns with the proposed right-in, right-out driveway access on Waterdown Road, as well as general impacts of the proposed development on Waterdown Road and the nearby Highway 403 interchange.

The applicant addressed the MTO comments through revised and supplementary submissions. To resolve concerns of the MTO, the applicant will extend the centre median on Waterdown Road to create a physical barrier that will prevent drivers from making left turns into or out of the proposed right-in, right-out driveway on Waterdown Road. The MTO also identified the need for design changes on Waterdown Road such as expansion of left-turn lanes to support continued function of the Highway 403 interchange; these design matters can be addressed through a future Site Plan application and/or through the MTO permitting process prior to development. For the

purpose of the current Official Plan Amendment and Zoning By-law Amendment applications, City staff are satisfied that the MTO's concerns have been addressed.

### **3.1.5 CN Rail**

CN Rail maintains a rail corridor and a rail yard in proximity to the subject property. CN provided comments indicating general support for the proposed development, subject to the applicant addressing CN's concerns with respect to noise and vibration. CN retained Jade Acoustics to conduct an external peer review of the applicant's revised noise and vibration study. Jade Acoustics concluded that the applicant's revised study was generally acceptable and that the proposed development has been designed to mitigate the noise sources to meet the applicable guidelines of CN Rail, the Federation of Canadian Municipalities and Railway Association of Canada, and the Ministry of the Environment, Conservation, and Parks. CN accepted this report and has worked with the applicant to enter into a development agreement and the registration of an easement on the subject property.

Staff are satisfied that the concerns of CN Rail have been addressed for the purposes of the subject applications. Detailed design of noise mitigation measures will occur through a future Site Plan application.

### **3.1.6 Metrolinx**

The subject property is located in proximity to the CN Rail corridor on which Metrolinx operates the Lakeshore West GO Line. Metrolinx defers to CN Rail to provide comments about matters of rail safety. Metrolinx did not raise any objections to the proposed development, and provided comments identifying their standard requirements for development in proximity to their corridor, including a requirement that the property owner shall grant Metrolinx an environmental easement for operational emissions. Planning staff are satisfied that Metrolinx's requirements can be addressed during the future Site Plan application stage.

### **3.1.7 Finance Department**

Finance Department retained Watson & Associates Economist Ltd to conduct an external peer review of the applicant's Fiscal Impact Study by Altus.

The original Altus study estimated an annual fiscal surplus of close to \$430,000 from the proposed development. However, responding to the peer review by Watson and technical comments from Finance Department, Altus Group provided an updated memorandum revising the fiscal impact analysis. The updated memorandum, as to the November 2021 report, adopted the peer review assumptions resulting in an annual fiscal surplus reduced to \$14,700 per annum. The memo also identified maintaining their assumptions on a key differentiated assumption of lifecycle costing their alternate estimated fiscal impact would be \$292,000 per annum.

By comparison and as summarized in the Watson Peer Review, analysis indicates the redevelopment is significantly less optimistic than Altus revised analysis with a potential annual fiscal deficit of approximately \$81,000, with the principal difference being assumptions on lifecycle costs.

The Finance Department's comments conclude by stating that, "While the peer review would indicate that the redevelopment may provide a slight deficit to the City from a fiscal perspective, it is important to recognize that the fiscal impact study is a tool to be used, along with other policy documents and not in isolation of other factors of importance that this study does not consider such as the physical, social, economic, and cultural elements of the City. A fiscal review is only one of many useful tools that are utilized in the process."

### **3.1.8 Parks Design and Construction**

Parks Design & Construction staff advised that parkland dedication will be required from the proposed development in the form of cash in lieu of land.

### **3.1.9 Aldershot Village BIA**

Aldershot Village BIA provided comments emphasizing the importance of providing adequate commercial space to serve the needs of the growing Aldershot community. The comments also spoke to design considerations including the need for parking to serve commercial businesses.

Staff are satisfied that the revised proposal has addressed the BIA's comments by increasing the proposed space for non-residential uses from 231 m<sup>2</sup> to minimum 475 m<sup>2</sup>. Although the BIA encouraged commercial space to be located in all three of the proposed buildings, staff are of the opinion that it is more appropriate to locate this space in the two buildings that front on Masonry Court and Cooke Blvd, but not in the third building, which is set well back from the street. The BIA had encouraged the provision of additional commercial parking beyond the six spaces shown in the proposal; however, Planning and Transportation staff are satisfied that the proposed parking rate for the site is appropriate given the site's context within a Major Transit Station Area in close proximity to the GO station. The BIA's comments about design of retail spaces can be addressed through a future Site Plan application.

### **3.1.10 Sustainable Development Committee (SDC)**

SDC provided comments expressing general support for the proposed development, acknowledging its contributions to intensification, active transportation, and limiting urban sprawl, consistent with the site's location within a Major Transit Station Area. SDC encouraged the applicant to consider further revisions to their proposal to incorporate additional sustainable building and development measures in accordance with the Sustainable Building and Development Guidelines. These comments can be addressed through a future Site Plan application.

### **3.1.11 Other Technical Comments**

The following departments and agencies provided comments relating to design that can be addressed through a future Site Plan application.

- Landscape and Forestry
- Accessibility Co-ordinator
- Fire Department
- Burlington Transit
- Burlington Hydro

The following departments provided standard comments communicating typical requirements for development:

- Canada Post
- Halton District School Board
- Halton Catholic District School Board
- Finance Department (Tax section)

The following departments and agencies responded that they had no comments or no concerns with the proposed development:

- Conservation Halton
- Conseil Scolaire Viamonde
- Halton Regional Police
- CP Rail
- Sun Canadian Pipeline
- Trans-Northern Pipeline Inc.
- Bell
- Rogers

## **4.0 Public Comments**

Public input has been considered by staff in the review of the subject applications. As of February 13, 2024, Planning staff have received written comments from 7 members of the public, including at the statutory public meeting. Written submissions received prior to May 17, 2022 were appended to report PL-48-22. Additional delegations and correspondence from the public at the statutory public meeting were included in the agenda of the June 14, 2022 Community Planning, Regulation, and Mobility Committee meeting. Written submissions received directly by Planning staff since May 17, 2022, have been appended to this report.

All public feedback received throughout the process has been considered by staff in the review of the subject applications. Concerns expressed in these comments are summarized in Table 3 below in no particular order.

**Table 3: Summary of public comments received by Planning staff as of February 13, 2024**

Row #	Public comment theme	Staff response
1	Concern that inadequate parking will be provided and this will cause impacts on availability of on-street parking in the area	A Traffic Impact Study, which included recommended Transportation Demand Management measures, was submitted with the subject applications and explains the applicant's rationale for the proposed reduced parking rate. This study has been reviewed by staff in the Transportation Department as part of the City's review of the applications. Staff are satisfied that the proposed parking rate of 0.97 spaces per unit is appropriate given the site's context in a Major Transit Station Area in close proximity to existing and planned transit. The traffic impact study can be found online at <a href="http://www.burlington.ca/1120cooke">www.burlington.ca/1120cooke</a> .
2	Concerns about traffic impacts from the proposed development	A traffic impact study was submitted with the subject applications and addresses traffic impacts. This study has been reviewed by the Transportation Department, Halton Region, and the MTO. The City and agency review has concluded that the proposed development can be accommodated by the existing road network, subject to infrastructure improvements to be implemented by the applicant, including extension of turning lanes on Waterdown Road and Masonry Court.  The traffic impact study can be found online at <a href="http://www.burlington.ca/1120cooke">www.burlington.ca/1120cooke</a> .
3	Concerns about existing conditions in the neighbourhood (incompleteness of Phase One of Stationwest development, cars parked on the dirt or grass, garbage, crime, speeding, pedestrian safety)	Concerns about construction management, parking, and speeding were forwarded to the relevant City staff.  Residents with concerns about crime can contact Halton Police directly.

<p>4</p>	<p>Concern about loss of privacy from occupants of proposed tall buildings being able to see rooftop patios of existing townhouses.</p>	<p>The existing zoning of the subject site permits buildings up to 6 storeys in height. The Area-Specific Plan for the Aldershot Corners MTSA contemplates tall buildings up to 30 storeys in the precinct within which the subject property is located. The New Official Plan (2020) identifies the MTSA as a Primary Growth Area; Primary Growth Areas will accommodate the majority of the City's growth and experience the greatest degree of change, and are considered to be the most appropriate locations for tall buildings.</p> <p>Staff are of the opinion that the proposed development, with revised maximum building height of 34 storeys, is appropriate for the subject property and aligns with City objectives for the intensification and urbanization of the MTSA.</p>
<p>5</p>	<p>Concern that the proposed buildings are too tall.</p>	<p>The existing zoning of the subject site permits buildings up to 6 storeys in height. The Area-Specific Plan for the Aldershot Corners MTSA contemplates tall buildings up to 30 storeys in the precinct within which the subject property is located.</p> <p>As discussed above, staff support the revised development proposal with maximum building height of 34 storeys.</p>
<p>6</p>	<p>Concern about lack of greenspace/neighbourhood park and subject lands were previously identified as future community park.</p>	<p>The proposed development is located on land that is currently zoned for development with mixed-use buildings of up to 6 storeys in height. The planned public park associated with the Stationwest development will be developed on land north of the subject property, adjacent to the floodplain storage area. An additional public park is planned further south on Cooke Blvd on lands to be dedicated as part of the recently approved development at 53-71 Plains Rd E and 1025 Cooke Blvd.</p>
<p>9</p>	<p>Concern about complete communities, including lack of retail commercial space and quality of planned park space.</p>	<p>In response to comments from the public, BIA, and City staff, the applicant has revised their proposal to increase the amount of non-residential floor area from 231 m<sup>2</sup> to 475 m<sup>2</sup>. This space may be used for permitted uses identified in the Zoning By-law, which may include retail, service commercial, office, entertainment, or recreation uses.</p>

11	Concern about the provision of affordable housing within the area	The proposed development contributes new housing supply and is consistent with the City's Housing Strategy as discussed in section 2.5.5 of this report.
14	Concern about that the size of the site is not suitable to accommodate the proposed amount of intensification and compatibility with existing and future development on surrounding lands.	Staff are satisfied that the proposed development is appropriately scaled relative to the lot size, that the proposed built form provides a suitable transition to surrounding lands, and that potential impacts such as wind impacts can be minimized and mitigated through detailed design. Staff recommend approval of the applications with a maximum Floor Area Ratio of 9.1:1.
15	Concern that approval of proposed development for subject lands would be inconsistent with Council's recent decision refusing application regarding 1029-1033 Waterdown Road.	<p>Each development application is reviewed on its own merits in accordance with the applicable policy framework.</p> <p>The other Council decision referenced in the comment was made in 2022 and was specific to the unique context of the site and the policy framework in effect at that time.</p> <p>Staff's current recommendation to approve the subject applications is supported by detailed technical review, reflects the unique context of the subject property, conforms to the applicable policy framework, and aligns with the City's ongoing Area-Specific Planning work for the Aldershot MTSA.</p>
16	Concern about the provision of infrastructure improvements and community facilities, including grocery stores, schools, parks, and community centre.	The subject property is adequately served by community services as discussed in section 2.4.3 of this report. The proposed development should also be considered in the context of the planned development of the Aldershot GO Major Transit Station Area which will bring significant new development with a mix of land uses and will support the creation of a complete community with a full range of urban amenities and services.

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### Financial Matters:

As discussed under section 3.1.7 above, the Finance Department retained Watson & Associates Economist Ltd to conduct an external peer review of the applicant's Fiscal Impact Study by Altus. While Altus Group's revised analysis indicates the proposed development will result in an annual fiscal surplus of \$14,700, Watson's analysis

indicates the proposed development will have a potential annual fiscal deficit of approximately \$81,000, with the principal difference being assumptions on lifecycle costs.

The Finance Department's comments conclude by stating that, "While the peer review would indicate that the redevelopment may provide a slight deficit to the City from a fiscal perspective, it is important to recognize that the fiscal impact study is a tool to be used, along with other policy documents and not in isolation of other factors of importance that this study does not consider such as the physical, social, economic, and cultural elements of the City. A fiscal review is only one of many useful tools that are utilized in the process."

Planning staff have considered the Finance Department's comments on the financial implications of the proposed development, alongside the overall analysis of the proposed development in accordance with the applicable policy framework and the City's objectives for the Aldershot GO Major Transit Station Area. Planning staff recommend approval of the subject applications.

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## **Climate Implications**

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

As part of the Official Plan Amendment and Zoning By-law Amendment applications, the applicant was required to consider the Sustainable Building and Development Guidelines (2021), which encourage sustainable design measures for new development across the City. Further, Burlington's MTSA's play a key role in the sustainable growth of our city and to address climate change. Given the immediate proximity to the Aldershot GO Station of the subject site the application proposes intensification that supports an opportunity to increase transit use as well as multi-modal, active transit mode shares and the efficient redevelopment of under-utilized land. The applicant submitted a Sustainable Building and Development Guidelines Checklist which is intended to demonstrate considerations applied from the guidelines.

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## **Engagement Matters:**



A virtual Pre-Application Community Consultation Meeting was held by the applicant on September 29, 2020. This meeting was attended by approximately 35 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 1 Councillor Kelvin Galbraith.

After receiving a complete application for the subject lands, City staff notified and consulted the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment applications. As discussed in detail in report PL-48-22, this included the creation of a website at [www.burlington.ca/1120cooke](http://www.burlington.ca/1120cooke), notice signs being erected on the property, notices being mailed to neighbouring property owners and tenants within 120 metres of the property, and notice published in the Burlington Post.

The City held a Statutory Public Meeting for the subject applications on June 14, 2022. At this meeting, Council members considered report PL-48-22 and heard delegations and received correspondence from members of the public.

Staff have considered the comments of members of the public in their review of the application. Members of the public will have an additional opportunity to provide input to Council by delegating at the public meeting on March 4, 2024, where the current report will be considered.

Staff have notified members of the public about the public meeting on March 4, 2024, as follows:

- Notice published in the Hamilton Spectator on February 12, 2024;
- Notice mailed to members of the public who have previously commented or requested to be notified about this application, and provided their mailing address;
- Information about the meeting published on the application webpage, [www.burlington.ca/1120cooke](http://www.burlington.ca/1120cooke), and an email notification sent to webpage subscribers.
- Information posted on the Public Notices newsfeed of the City's website.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at [www.burlington.ca/planningprocess](http://www.burlington.ca/planningprocess).

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## **Conclusion:**

The subject applications request Official Plan Amendments and Zoning By-law Amendments to permit a mixed-use development comprising three tall buildings of maximum 30, 32, and 34 storeys with a maximum Floor Area Ratio of 9.1:1, 1165 residential units, and ground-level non-residential uses at 1120 Cooke Boulevard. Staff

have consulted the public and conducted a thorough technical review in accordance with applicable provincial, regional, and City policies, regulations, and guidelines.

Staff are of the opinion that the proposed development, as revised by the applicant through resubmissions, is consistent with the Provincial Policy Statement; conforms to the Growth Plan for the Greater Golden Horseshoe, Regional Official Plan; conforms to the City's Official Plan subject to a proposed amendment that meets the intent of the Plan; and meets the intent of the City's New Official Plan and urban design guidelines. The proposed development is also consistent with the direction of the City's ongoing Area-Specific Planning process for the Aldershot GO Major Transit Station Area.

The detailed design of the proposed development, to be reviewed through a future Site Plan application, will implement infrastructure improvements to support the proposed development, and measures to minimize and mitigate potential adverse impacts to and from the proposed development.

Staff are of the opinion that the proposed development represents good planning and recommend that Council approve the subject applications and adopt the Official Plan Amendment and Zoning By-law Amendment as described in the Recommendation of this report.

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Respectfully submitted,



Thomas Douglas MCIP RPP  
Senior Planner, Community Planning Department  
[Thomas.douglas@burlington.ca](mailto:Thomas.douglas@burlington.ca)  
(905) 335-7600 ext. 7811

**Appendices:**

- A. Concept Plan
- B. Official Plan Amendment No. 142
- C. Zoning By-law Amendment 2020.472
- D. Public Comments

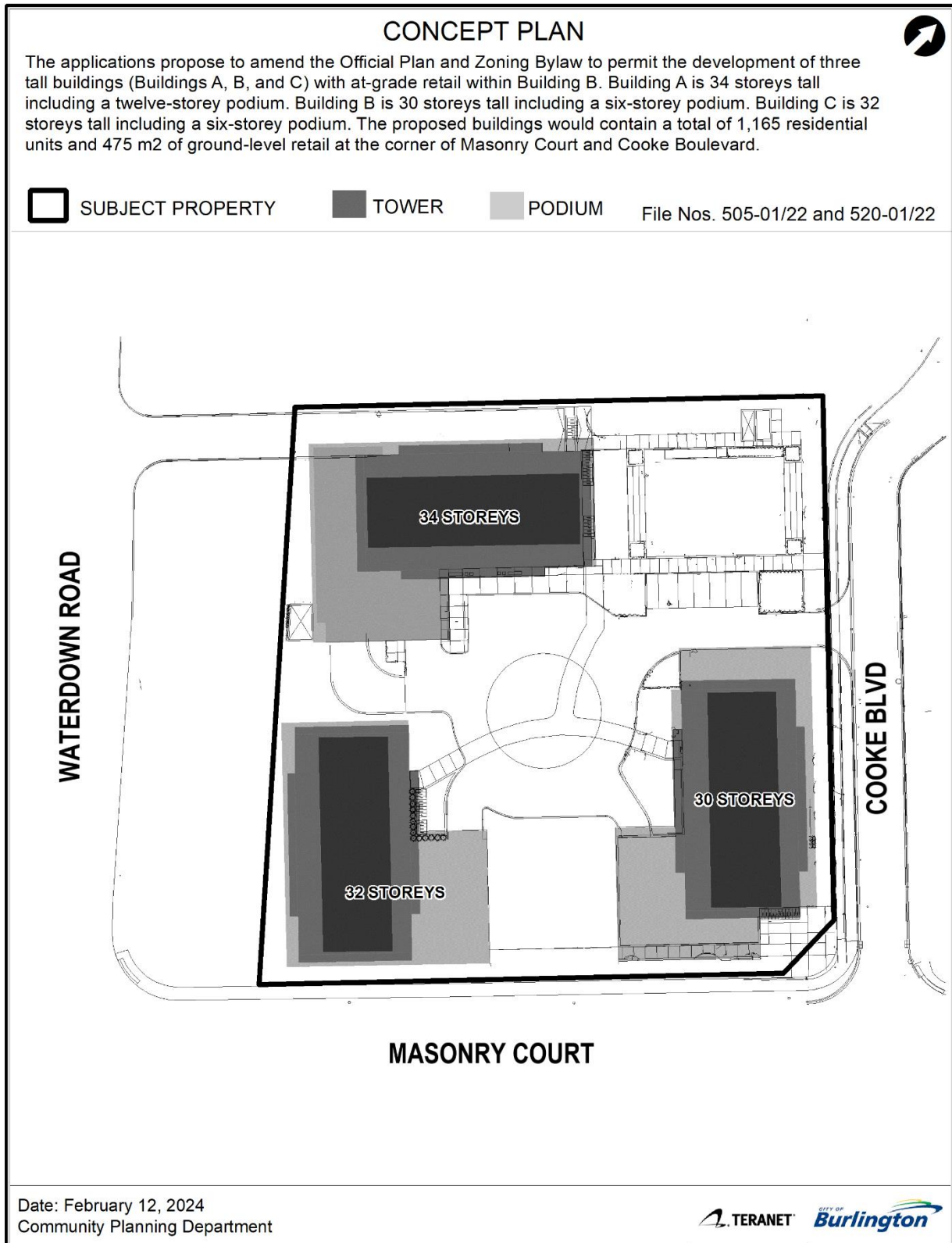
**Notifications:**

Mike Bennett and Andrew Ferancik, WND Associates Ltd.

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

### Appendix A: Concept Plan



**Appendix B: Official Plan Amendment No. 142**

The Corporation of the City of Burlington  
City of Burlington By-law XX-2020

A by-law to adopt Official Plan Amendment No. 142 to permit a mixed-use development comprising three tall buildings of maximum 30, 32, and 34 storeys with 1165 residential units and ground-level non-residential uses at 1120 Cooke Boulevard.

Whereas the Council of the Corporation of the City of Burlington in accordance with the provisions of Section 17 and 21 of the Planning Act, 1990, as amended, approved recommendation PL-04-24 at its meetings held on March 19, 2024.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Amendment No.142 to the Official Plan (1997, as amended) of the City of Burlington consisting of the attached amendment and supporting documentation is hereby adopted.
2. That this by-law shall come into full force and take effect on the final day of passing thereof.

Enacted and passed this 19<sup>th</sup> day of March, 2024

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk \_\_\_\_\_

**AMENDMENT NO.142 TO THE OFFICIAL PLAN  
OF THE CITY OF BURLINGTON**

**CONSTITUTIONAL STATEMENT**

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 142 to the Official Plan of the City of Burlington, as amended.

**PART A - PREAMBLE**

**1. PURPOSE OF THE AMENDMENT**

The purpose of this Amendment is to permit a mixed-use development consisting of three residential towers of maximum 30, 32, and 34 storeys (plus mechanical penthouse). The development is comprised of 1,165 dwelling units, 6 levels of underground parking, and minimum 475 square metres of ground-related non-residential space at 1120 Cooke Boulevard with a maximum floor area ratio of 9.1:1.

**2. SITE AND LOCATION**

The subject site is comprised of one parcel of land located on the north side of Masonry Court between Cooke Boulevard and Waterdown Road and is nearly square-shaped with frontages of approximately 104 metres on Masonry Court, 100 metres on Waterdown Road, and 91 metres on Cooke Boulevard. The area of the subject site is 0.95 hectares.

To the north of the site is floodplain storage and a planned public park, to the east is a residential development consisting of two 6-storey mid-rise apartment buildings and townhouse units, to the south are low-rise employment uses, and to the west are employment uses.

**3. BASIS FOR THE AMENDMENT**

The proposed development:

- a) Intensifies a vacant brownfield site in proximity to higher-order transit with residential and retail/service commercial uses in a manner that is consistent with the policies of the Provincial Policy Statement (PPS). The PPS promotes the achievement of complete communities that are efficient, compact, and transit-supportive. The proposed development provides an increase in supply and mix of housing options in a higher density form that supports existing and planned transit options and encourages non-automobile modes of transportation including active transportation;
- b) Conforms to the Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Halton Region Official Plan, as amended, by providing for appropriate intensification within the delineated built-up area, close to rapid transit, and on a site that carries a growth designation in the Official Plan, contributing to the diversification of the housing supply and meeting Provincial growth and density targets;
- c) Is identified within the delineated boundary of the Aldershot GO *Major Transit Station Area* as shown on Map 1H, Regional Urban Structure, of the Halton Region Official Plan, and supports the Regional Growth Management strategy as articulated in Halton Region's Official Plan;
- d) Responds to the intent of the Tall Building Guidelines by providing for a human-scaled, street-related building form with appropriate transitions to nearby built forms and slender tower forms with adequate separation distances that contribute to a visually interesting skyline;
- e) Responds appropriately to the direction of the City's Major Transit Station Area Area-Specific Planning Project for the Aldershot GO MTSA, which contemplates buildings of up to 30 storeys on the subject site;
- f) Provides for an appropriate parking ratio that ensures that parking demand generated by the building can generally be accommodated on-site while recognizing the transit accessibility of the subject site and promoting non-automobile-based modes of travel;
- g) Contributes to the pedestrian realm of the area by enhancing the public realm on boundary streets, providing permeability through the site, and contributing publicly-accessible private green spaces that create linkages to public park space and the Aldershot GO station;
- h) Subject to the implementation of mitigation measures as part of the development of the residential uses, is compatible with existing major facilities and employment

uses, and transportation infrastructure in relation to air quality, odours, noise, and vibration;

- i) Does not create unacceptable wind or shadow impacts on abutting sidewalks, open spaces, or adjacent properties, including the lower-scaled residential lands to the east and south;
- j) Is located on lands that can utilize existing servicing infrastructure on the abutting rights-of-way and near transit routes, commercial uses and community amenities and meets Official Plan policies by providing new housing units that increase the supply and diversity of the housing stock in the area while promoting non-automobile transportation options; and,
- k) Is supported by technical studies and reports that have been submitted by the applicant and provide adequate and appropriate information regarding the proposed development.

## **PART B – THE AMENDMENT**

### **1. DETAILS OF THE AMENDMENT**

**Map Change:** None proposed

**Text Change:**

The text of the City of Burlington Official Plan, as amended, is hereby amended by adding the following site-specific policy (n) to Part III, Subsection 5.3.3.2 as follows:

1120 Cooke Boulevard	(n) <i>Development</i> on the lands described as 1120 Cooke Boulevard <i>shall</i> be in accordance with the following: <ul style="list-style-type: none"><li>(i) <i>Development shall</i> incorporate measures to avoid or minimize and mitigate potential adverse effects to the <i>development</i> from noise and air emissions including odour.</li><li>(ii) <i>Development shall</i> incorporate measures to avoid or minimize and mitigate potential impacts on industrial, manufacturing, or other uses, including reducing the risk of complaints, and to ensure the ability of major facilities to comply with</li></ul>
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	<p>environmental approvals, registrations, legislation, regulations, and guidelines for both current and future operations.</p> <p>(iii) Notwithstanding the use, floor area ratio, height, and design policies contained in Part III, Subsections 5.3.2 c), d) (i) and (ii), and g) (i) and (v), and 5.3.3.2 c) and e) (i) and (ii), of this Plan, for the lands described as 1120 Cooke Boulevard, the following policies <i>shall</i> apply:</p> <ul style="list-style-type: none"><li>a. a mixed-use <i>development</i> comprising three buildings, with a combined maximum 1165 <i>dwelling units</i> and a combined maximum <i>Floor Area Ratio</i> of 9:1:1 <i>shall</i> be permitted;</li><li>b. a maximum building height of 34 storeys (plus mechanical) <i>shall</i> be permitted;</li><li>c. non-residential uses <i>shall</i> be located at ground level in two of the three buildings;</li><li>d. surface parking spaces for residential visitors and/or non-residential uses may be provided.</li></ul>
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## 2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with Section 3.0, Interpretation policies of Part VI, Implementation, of the Official Plan of the Burlington Planning Area.

## 3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

**Appendix C: Zoning By-law Amendment**

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.472

A by-law to amend By-law 2020, as amended; for 1120 Cooke Boulevard,  
for the purpose of facilitating the mixed-use development of three residential  
towers of maximum heights of 30, 32, and 34 storeys  
File number: 520-01/22

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved PL-04-22 on March 19, 2024, to amend the City’s existing Zoning By-law 2020, as amended, to permit the mixed-use development of three residential towers of maximum 30, 32, and 34 storeys;

**THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:**

1. Zoning Map Number 3 of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule “A” attached to this By-law.
2. The lands identified on Schedule “A” attached hereto are hereby rezoned from MXC-26 to H-MXC-531.
3. Part 11, Appendix A, of By-law 2020, as amended, Site-Specific Requirements for Removal of an “H” Holding Symbol, is amended by creating Section 77 as follows:

77.	H-MXC-531	Map 3-E	Resolution:
Prior to the removal of the ‘H’ Holding Symbol, the following must be completed to the satisfaction of the Region of Halton:			
1. The Owner executes a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary sewer capacity.			

4. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended with the following:

<b>Exception</b>	<b>Zone</b>	<b>Map</b>	<b>Amendment</b>	<b>Enacted</b>
<b>531</b>	<b>MXC</b>	<b>3</b>	<b>2020.472</b>	<b>March 19, 2024</b>
1. <u>In addition to Part 1, Subsection 2.22 and Part 5, Section 3, the following uses are prohibited:</u>				
a) Funeral Home b) Automotive uses				
2. <u>Regulations for the entire site:</u>				
a) For the purposes of applying zoning regulations the property zoned MXC-531 shall be considered one lot.				
b) Notwithstanding Part 5, Section 4.1, Table 5.4.1 the maximum yard abutting any other street shall not apply.				
c) Notwithstanding Part 1, Section 2.27.1, for the purposes of establishing building setbacks or for the application of any other provisions of this By-law the deemed and actual street width of Cooke Boulevard is 17 m.				
d) Non-residential floor area				None required 475 m <sup>2</sup> combined
i) Building A: ii) Building B & C:				
iii) Notwithstanding the combined non-residential floor area for Buildings B and C, Buildings B and C must provide a minimum of 175 m <sup>2</sup> of non-residential floor area per building.				
e) Landscape Area abutting a street:				None required.
f) Amenity Area:				15 m <sup>2</sup> per unit
g) A rooftop terrace shall maintain the principal building yards of the storey below it.				
h) Maximum Residential Units				450 units
i) Building A:				
ii) Building B:				

iii) Building C:	370 units 385 units
iv) Notwithstanding the maximum residential units in any individual building, the maximum number of residential units on the lands zoned MXC-531 shall be 1165.	
i) Maximum Floor Area Ratio:	9.1:1
j) Setbacks for a Below-grade parking structure to all lot lines: k) Setback from Cooke Blvd for an above-grade access stairway building to the below grade parking structure:	0.9 m  6 m
l) Setback from the north lot line for an above-grade access stairway building to the below grade parking structure: m) Set back to Waterdown Road for an entrance and exit ramp to a parking garage:	1.5 m  0 m
n) Parking: i) Occupant: ii) Visitor:	0.89 spaces/unit  0.08 spaces/unit
iii) Notwithstanding Part 5, Section 4.6(b), (c) and d) where a development is comprised of residential and non-residential uses, up to 100% of the required visitor parking located on the development site may be counted towards the required non-residential parking.	
o) Bicycle Parking: i) Long-term: ii) Short-term:  iii) Vertical bicycle parking space dimensions:  iv) Horizontal bicycle parking space dimensions:	0.5 spaces/unit 0.05 spaces/unit  0.6 m width 1.2 m length  0.6 m width 1.8 m length

<p>p) Long-term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees, or tenants of a building, and must be located in a building. Required long-term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony, or in a storage locker.</p> <p>q) Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.</p> <p>r) Stacked bicycle parking spaces mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces.</p> <p>s) All short-term bicycle parking spaces shall be provided as horizontal bicycle parking spaces and be provided at ground level.</p>	
<p>t) Accessory Structures on the ground:</p> <p>i) Maximum height:</p> <p>ii) Yard abutting Waterdown Road:</p> <p>iii) Yard abutting Masonry Court:</p> <p>iv) Yard abutting Cooke Boulevard:</p>	<p>One storey and 4 m</p> <p>1 m</p> <p>5 m</p> <p>6 m</p>
<p>u) Accessory Structures on a roof top terrace:</p> <p>i) Maximum height from the roof top:</p>	<p>3.7 m</p>
<p>v) Notwithstanding Part 1, Section 2.2.2 any accessory structure located on a terrace and/or roof top shall maintain the yard requirements of the floor level below the terrace and/or roof top</p>	
<p>w) Notwithstanding Part 5, section 4.6(f), the minimum width for a walkway connecting the sidewalk to the principal entrance of the building shall be 2 m.</p>	
<p>3. <u>Regulations applying to Building 'A' on Figure 531:</u></p>	
<p>a) Maximum height:</p>	<p>34 storeys and 112 m</p>
<p>b) Yard abutting Waterdown Road:</p> <p>i) Floors 1 to 12:</p> <p>ii) Floors 13 to 34:</p> <p>c) Yard abutting Masonry Court:</p> <p>d) North Side Yard:</p> <p>e) Yard abutting Cooke Boulevard:</p>	<p>4.5 m</p> <p>9 m</p> <p>50 m</p> <p>6 m</p> <p>40 m</p>

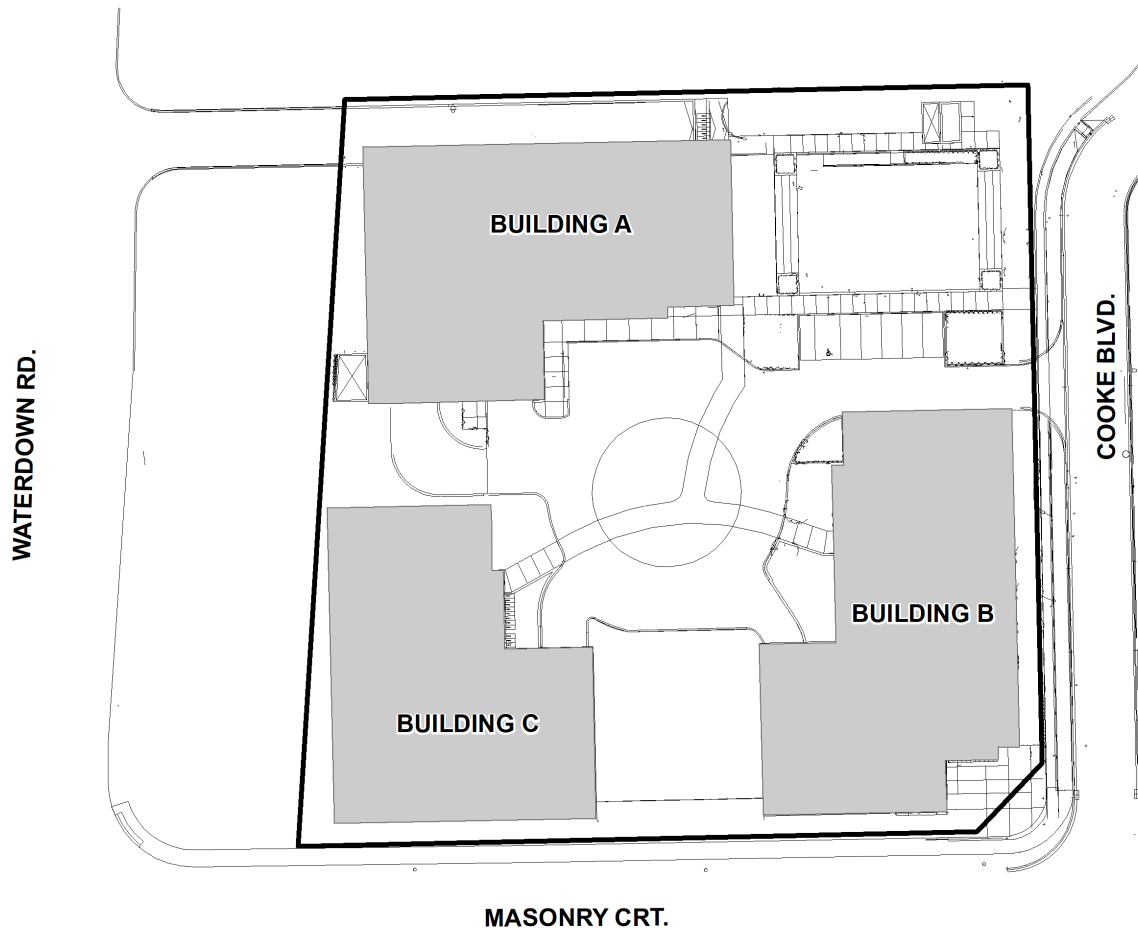
<ul style="list-style-type: none"> <li>f) Maximum Balcony Projections on the east elevations: <ul style="list-style-type: none"> <li>i) Floors 2 to 7:</li> <li>ii) Floor 8 to 34:</li> </ul> </li> <li>g) Maximum balcony projections on the south elevation: <ul style="list-style-type: none"> <li>i) Floors 2 to 34:</li> </ul> </li> <li>h) Maximum balcony projections abutting Waterdown Road: <ul style="list-style-type: none"> <li>i) Floors 2 to 7:</li> <li>ii) Floor 8 to 34:</li> </ul> </li> <li>i) Maximum balcony projections on the north elevation: <ul style="list-style-type: none"> <li>i) Floor 2 to 7:</li> <li>ii) Floor 8 to 34:</li> </ul> </li> </ul>	<p>2.1 m</p> <p>1.5 m</p> <p>1.5 m</p> <p>2.1 m</p> <p>1.5 m</p> <p>2.1 m</p> <p>1.5 m</p>
<p>j) A pedestrian accessible door shall be provided for residential apartment lobbies facing on the south or east elevation.</p>	
<p>4. <u>Regulations applying to buildings to Building 'B' on Figure 531:</u></p>	
<p>a) Maximum height:</p>	<p>30 storeys and 100 m</p>
<ul style="list-style-type: none"> <li>b) Yards Abutting Waterdown Road:</li> <li>c) Abutting Masonry Court: <ul style="list-style-type: none"> <li>i) Floors 1 to 8:</li> <li>ii) Floor 8 to 30:</li> </ul> </li> <li>d) North Side Yard:</li> <li>e) Cooke Boulevard:</li> </ul>	<p>55 m</p> <p>5 m</p> <p>9 m</p> <p>40 m</p> <p>5 m</p>
<ul style="list-style-type: none"> <li>f) Maximum balcony projections abutting Cooke Boulevard: <ul style="list-style-type: none"> <li>i) Floors 2 to 7:</li> <li>ii) Floors 8 to 30:</li> </ul> </li> <li>g) Maximum balcony projections abutting Masonry Court: <ul style="list-style-type: none"> <li>i) Floors 2 to 7:</li> <li>ii) Floors 8 to 30:</li> </ul> </li> <li>h) Maximum balcony projections on the west elevation: <ul style="list-style-type: none"> <li>i) Floors 2 to 30:</li> </ul> </li> <li>i) Maximum balcony projections on the north elevation: <ul style="list-style-type: none"> <li>i) Floor 2 to 30:</li> </ul> </li> </ul>	<p>3 m</p> <p>1.5 m</p> <p>2.1 m</p> <p>1.5 m</p> <p>1.5 m</p>

	1.5 m
<p>j) A pedestrian accessible door shall be provided for residential apartment lobbies facing on the west elevation and facing Cooke Boulevard.</p> <p>k) A pedestrian accessible door shall be provided for all non-residential uses facing Masonry Court and/or Cooke Boulevard</p>	
<b>5. <u>Regulations applying to buildings to Building 'C' on Figure 531:</u></b>	
a) Maximum height:	32 storeys and 106 m
<p>b) Yard Abutting Waterdown Road:</p> <p>c) Yard Abutting Masonry Court:</p> <p>d) North Side Yard:</p> <p>e) Yard abutting Cooke Boulevard:</p>	<p>3 m</p> <p>5 m</p> <p>50 m</p> <p>50 m</p>
<p>f) Maximum Balcony Projections on the east building Elevations:</p> <p>i) Floors 2 to 32:</p> <p>g) Maximum balcony projections abutting Masonry Court:</p> <p>ii) Floors 2 to 7:</p> <p>iii) Floor 8 to 32:</p> <p>h) Maximum balcony projections abutting Waterdown Road:</p> <p>i) Floors 2 to 7:</p> <p>ii) Floor 8 to 32</p> <p>i) Maximum balcony projections on the north elevation:</p> <p>i) Floor 2 to 6:</p> <p>ii) Floor 7 to 32:</p>	<p>1.5 m</p> <p>2.1 m</p> <p>1.5 m</p> <p>2.1 m</p> <p>1.5 m</p> <p>2.1 m</p> <p>1.5 m</p>
<p>j) A pedestrian accessible door shall be provided for residential apartment lobbies facing on the east elevation and facing Masonry Court.</p> <p>k) A pedestrian accessible door shall be provided for all non-residential uses facing Masonry Court or on the east elevation.</p>	
Except as amended herein, all other provisions of this By-law, as amended, shall apply.	
<b>Figure 531:</b>	

FIGURE 531



SUBJECT PROPERTY



Date: December 08, 2023  
Community Planning Department



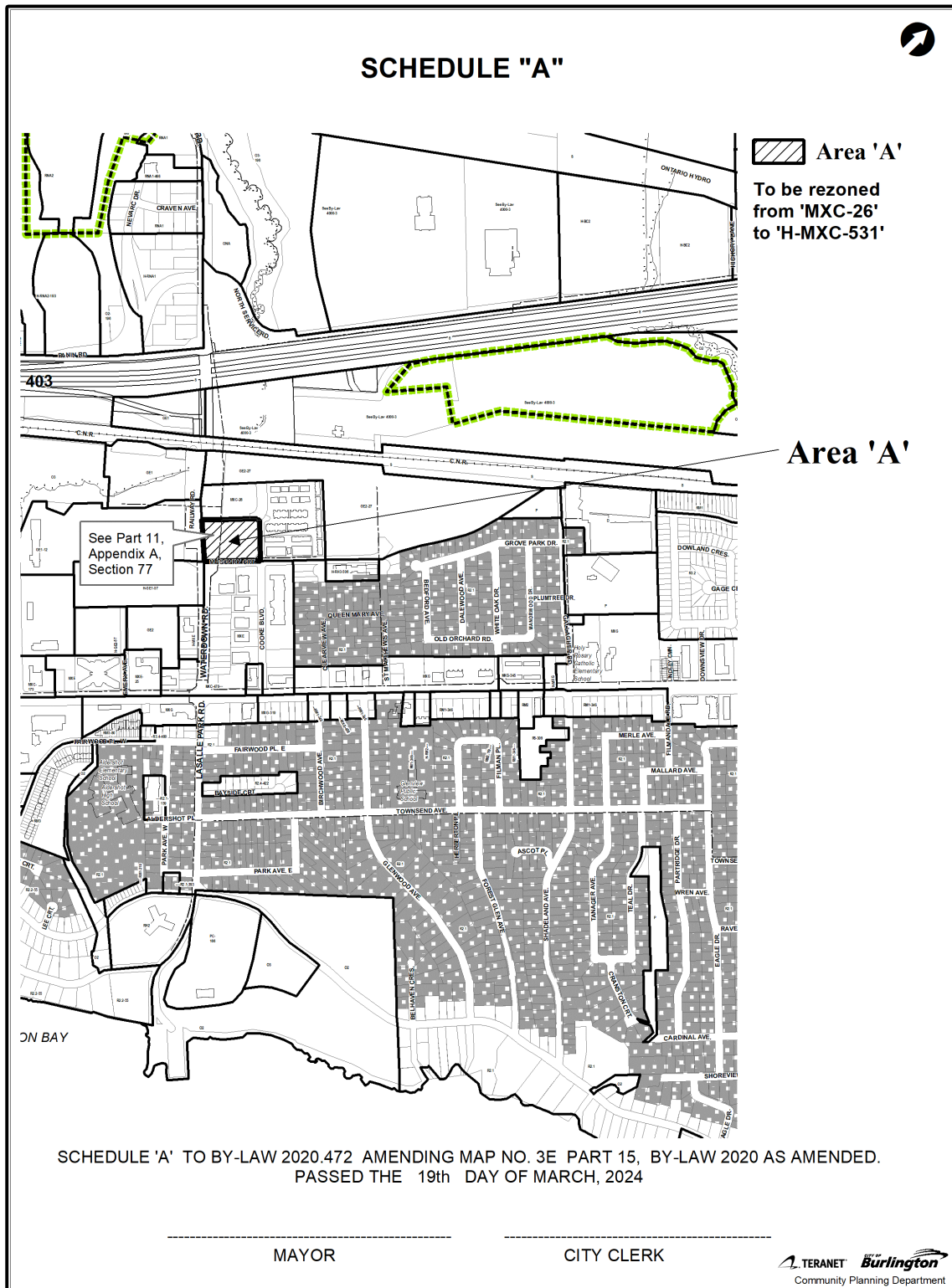


Enacted and passed this 19<sup>th</sup> day of March, 2024

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk \_\_\_\_\_

Schedule A to By-law 2020.472



**Appendix D: Public Comments received since May 17, 2022**

**Comment 1: Josh Perell, Received by e-mail on June 3, 2022**

Dear Mr. Douglas,

My name is Joshua Perell and I co-own a home in Burlington.

I am a member of the Law Society of Ontario and I act on behalf of the City of Burlington in some matters. I am writing today only on behalf of myself as a concerned resident of Burlington.

Thank you for the opportunity to provide feedback regarding the proposed redevelopment at 1120 Cooke Boulevard (Files 505-1/22 and 520-1/22).

As a resident of Ward 1, I am concerned that the proposed redevelopment of 1120 Cooke Boulevard does not constitute good planning for the following reasons:

1. The land is not suitable for the proposed purpose. The property under review is too small to accommodate the three tall buildings included in the application;
2. The proposed redevelopment is incompatible with adjacent land uses. Two of the proposed buildings are 30 storeys taller than the maximum height currently set out in the City's Official Plan. The shortest of the three proposed buildings is 20 storeys taller than the maximum height currently set out in the City's Official Plan;
3. Given the small size of the site of the proposed development, the new buildings will impose upon buildings and properties on all sides of the proposed new structures;
4. Vehicle access to the redeveloped site is inadequate. The proposed redevelopment will result in increased traffic and traffic congestion which the relevant sections of Waterdown Road, Masonry Court, and Cooke Boulevard were not designed to accommodate; and
5. The summary of the zoning changes required to approve the proposed redevelopment as set out in the Notice of Statutory Public Meeting released by the City of Burlington amounts to creating site-specific zoning that conflicts with the City's Official Plan as well as the permitted building type/use, and parking requirements.

Given the height of the proposed buildings and the number and extent of the zoning changes required for the proposed redevelopment plan, it is difficult to see how the general intent and purpose of the area's zoning by-law and of the City's Official Plan can be maintained.

I also note that approval of the proposed redevelopment of 1120 Cooke Boulevard would be inconsistent with Council's recent decision refusing application 520-10/21 concerning 1029-1033 Waterdown Road. In my opinion, Council should refuse the application for the proposed redevelopment of 1120 Cooke Boulevard for the same reasons as set out in the City's Notice of Decision regarding application 520-10/21,

dated April 21, 2022: “the proposed development is premature, the proposed building does not represent a compatible transition to the established neighbourhood, does not provide sufficient range of housing or employment opportunity and is not supportive of multi-modal infrastructure or contribute to an enhanced public realm.”

Please treat this letter as written submissions to Council for the purposes of obtaining standing to appeal to the Ontario Land Tribunal under section 34 (or any other relevant section) of the *Planning Act*, R.S.O. 1990, c. P.13 (or as amended).

Yours truly,

Joshua Perell

**Comment 2: Carolyn V, received March 17, 2023**

I have read that 3 ENORMOUS buildings have been proposed on Cooke Boulevard, 29 storeys, 31 storeys and, 33 storeys.

Yikes. That is absurd.

This is an older neighbourhood and the infrastructure is as such.

I'm wondering how Plains Road would possibly be expected to handle such an enormous influx of traffic? Thousands of extra vehicles.

The intersection of Plains Road and Waterdown Road now is already chaotic with the current amount of traffic that passes through every day. The traffic on Plains Road itself is already very noticeably at capacity.

When a builder makes a proposal of such magnitude, are they responsible for the infrastructure changes and improvements that definitely come along with such projects? Are they responsible for providing proper grocery stores, department stores, schools, parks and community centres? It should be the law.

As a long time resident of the Aldershot community, I am not in favour of a development of 29, 31 and 33 storeys. The neighbourhood can't handle it properly and safely. Isn't that property only zoned for 6 storeys??

I am very concerned about traffic issues in my neighbourhood.

Thank you for your time,

Carolyn